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Harvard College Library



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**THE
DEMOCRATIC PARTY
OF THE
STATE OF NEW YORK**

IN THREE VOLUMES



1780-1840

1. The first part of the document is a list of names and dates, which appears to be a record of some kind. The names are written in a cursive script, and the dates are in a more formal, printed style. The list is organized into two columns, with names on the left and dates on the right. The names are: John Smith, James Brown, William Jones, and Thomas White. The dates are: 1810, 1811, 1812, and 1813. The list is followed by a section of text that is also in cursive script. This text appears to be a description of the events that took place during the period covered by the list. It mentions the names of the individuals listed and describes their actions and the circumstances surrounding them. The text is written in a clear, legible hand, and it is organized into paragraphs. The first paragraph describes the events of 1810, the second paragraph describes the events of 1811, the third paragraph describes the events of 1812, and the fourth paragraph describes the events of 1813. The text is followed by a final section of text that is also in cursive script. This text appears to be a summary of the events that took place during the period covered by the list. It mentions the names of the individuals listed and describes their actions and the circumstances surrounding them. The text is written in a clear, legible hand, and it is organized into paragraphs. The first paragraph describes the events of 1810, the second paragraph describes the events of 1811, the third paragraph describes the events of 1812, and the fourth paragraph describes the events of 1813. The text is followed by a final section of text that is also in cursive script. This text appears to be a summary of the events that took place during the period covered by the list. It mentions the names of the individuals listed and describes their actions and the circumstances surrounding them. The text is written in a clear, legible hand, and it is organized into paragraphs. The first paragraph describes the events of 1810, the second paragraph describes the events of 1811, the third paragraph describes the events of 1812, and the fourth paragraph describes the events of 1813.

THE
DEMOCRATIC PARTY
OF THE
STATE OF NEW YORK

A HISTORY OF THE ORIGIN, GROWTH AND ACHIEVEMENTS
OF THE DEMOCRATIC PARTY OF THE STATE OF
NEW YORK, INCLUDING A HISTORY OF
TAMMANY HALL IN ITS RELATION
TO STATE POLITICS

Edited by JAMES K. McGUIRE

AN HISTORICAL CHAPTER ON KINGS COUNTY DEMOCRACY

By MARTIN W. LITTLETON

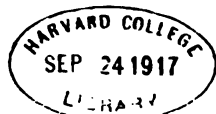
BIOGRAPHICAL SKETCHES OF THE
LEADING DEMOCRATIC POLITICIANS
IN THE STATE OF NEW YORK

VOLUME I

UNITED STATES HISTORY COMPANY

1905

US15222.130



311.75.1.1.1
(371.75)

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J. F. TAPLEY CO.
BOOK MANUFACTURERS
NEW YORK

PREFACE

THE purpose of this work is to impart historical information. Therefore, its pages will not be found to consist of panegyrics upon Democratic achievements nor critical disquisitions upon the conduct of other parties. The aim has been to give an impartial record of the Democratic Party so that the reader may judge fairly of the men and the measures it has given to the State of New York and to the country.

Naturally, it has been found necessary to include some account of national affairs to make clear political situations in the State. For the same reason, more or less Republican history has been recorded.

The subject is so large that, even in the generous space allotted to it, the narrative is of necessity succinct. It is hoped that not only the politician and the general reader, but also the student, will find the history both readable and instructive. The relation of the Party's life to the life of the Nation is a subject of vast importance and a study of surpassing interest. It is to enable all readers to realize as fully as possible the value of the services of Democratic navigators to the Ship of State that this work is given to the public.

Since Hammond's work, no political history—as such—of the Democratic Party in the State of New York has been published. No little research has, therefore, been necessary to compile the record of the party for the last sixty years.

Where criticism has been ventured upon, it is indicative merely of individual opinion. These opinions may not meet with the indorsement of all readers, but they have been made in the spirit of honesty and impartiality. Almost every extant historical work on New York State has been consulted, and where those have failed, particularly as to events of recent years, facts have been gathered in personal interviews from men of large experience and knowledge. The growth,

work, achievements, successes, and reverses of the party have been traced with an eye single to the evolution of the truth, so far as it could be ascertained or understood.

The public career of each Democratic Governor of the State is given, and a portrait of the finest quality accompanies the biography. It has been said that biography is the only true history, and contemporary biography has its advantages over posthumous records. A life of Julius Cæsar by Brutus would be more interesting and more reliable than even the splendid fiction of the great Shakespeare. For that reason this work contains sketches of the prominent Democrats of the State. The list is the most complete one ever published, and the work, which was originally cast for two volumes, has grown into three.

In the preparation of this work, much valuable aid has been given by experienced writers and reliable party workers. We take this opportunity to convey our thanks to all such and to express our appreciation of their assistance.

AUTHORS CONSULTED

IN addition to the following special works which are mentioned, histories of every city and of almost every county in the State have been consulted, as well as newspaper files and the archives at Albany, which have been found especially helpful. Reports of the heads of New York State Departments, of Commissions, and of Constitutional Conventions, as well as Congressional Records, have also afforded valuable information.

- Broadhead's History of New York.
- Smith's Colonial History of New York.
- Dunlap's History of New York.
- Barbor's Historical Collection of New York.
- Watson's Annals and Occurrences.
- (Stone's History of New York City.
- History of New York City, by M. L. Booth.
- Hammond's Political History of New York.
- Lossing's Empire State.
- Marshall's Niagara Frontier.
- Stone's History of Burgoyne's Campaign.
- Our First Century, by R. M. Devens.
- Life of Grover Cleveland, by Frederick E. Goodrich.
- Life of Martin Van Buren, by Edward M. Shepard.
- Public Papers of the Democratic Governors of the State.
- Campbell's Border Wars of New York.
- Dictionary of American Politics, by Brown and Strauss.
- Cooper's American Politics.
- Life of Samuel J. Tilden, by John Bigelow.
- Randall's Life of Thomas Jefferson.
- Parton's Life of Andrew Jackson.

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THE
DEMOCRATIC PARTY
OF THE
STATE OF NEW YORK

CHAPTER I.

Democracy—What it has done for Man—Causes which led to the Formation of the Democratic Party—Principles of the Party—Their Effect upon the Nation—Individual and States' Rights.

WITH the rise of Democracy began the age of individual rights. The Spirit of Democracy dictated the Declaration of Independence, proclaimed the American Colonies a Republic, bade Washington decline, not only a crown, but a third term as President. It removed not only the fetters, but also the restrictions which aristocratic governments have ever imposed upon the man; and the man, untrammelled, free, inspired, has risen to the heights for which he was created and of which he is worthy. It has made this nation what it is to-day; not only a great political power, but great in commerce, in arts, sciences, practical mechanics, energy and intelligence. The millions of Democratic atoms held together by the adhesive spirit of Democracy, constitute the glorious and ever growing body of the United States, which to-day excites the envious admiration of the world.

Hence, it is that the name is revered by many and should be honored by all, for it "hath lifted up the man of low estate," and hath placed him on a level with the mightiest of the mighty.

Democracy has existed as long as the United States. Its history runs through that of the nation like a range of mountains through a country; and, like noble peaks, many eminent names, many glorious

achievements mark its way and stand out grandly against the azure dome of the nation's history. Here and there a depression, but rising again to lofty eminences, it has traversed eleven decades of time; and as long as man exists and preserves his birthright, Democracy must exist and flourish.

After the American colonies had won their independence and a government had been established, it was inevitable that political parties would spring into existence, and it was just as inevitable that one of these parties would be founded upon the principles for which the colonies had fought—self-government and the equal rights of men, as enunciated in the Declaration of Independence. The party drawn together by these sentiments took the name of Democrat-Republican—a compound of two words, each meaning substantially the same thing. The best definition given of either word was that given by Abraham Lincoln in his famous Gettysburg speech, when he used the memorable words: "Government of the people, for the people, and by the people." There has been no period in the long history of the Democratic Party when this definition did not exactly coincide with its principles. From the formation of the party, it fought for the extension of suffrage and championed not only individual but States' Rights, and to-day its tenets are dictated by disinterested regard for the rights of the people.

The Articles of Confederation adopted in 1777 cannot be considered as establishing a government, but merely a union of the States; and no sooner had the treaty of 1783 been ratified by Great Britain, acknowledging the independence of the colonies, than this fact became startlingly apparent. The old Congress was nothing more than a convention of ambassadors from the several States, and in the majority of instances these ambassadors did not have the power to bind their respective States by their acts. Except in a few instances they could only recommend, and their recommendations had to be ratified by their States. It therefore became apparent that some form of general government must be adopted which would enable that government, without the consent of all the States, to act upon the persons of the citizens of each State, or the union would be useless, and the general government so restricted in its power as to be but a government of straw. All men admitted the imperfection and inadequacy of the Articles of

Confederation; all were anxious that a new plan of government, or constitution, should be devised and adopted; but naturally there were wide differences of opinion in relation to the principles which that constitution ought to contain and the magnitude and nature of the powers which should be granted to the general government. Each of the States was jealous of its own rights and interests, yet the danger of standing alone held them together.

It was this difference of opinion which produced the first organized political parties in State and nation; but as this great subject was considered, other ideas and principles were developed with it, giving a stronger complexion to party lines. The first party in control of national affairs was the Federalist, and their opponents were called the Anti-Federalists. The Democratic Party of to-day is the successor of the latter.

Before President Monroe's administration, the members of the Democratic Party were called either Republicans or Anti-Federalists. It is true that for some years prior to 1830 the party persisted in applying to itself the name of Republican, dropping the first half of the original title. This came about through the use in Europe of the word "Democrat" as a term of reproach; to those people a Democrat was a vulgar, ignorant person. The people of Europe, long trained to regard kings and emperors as the source of power and rule, were unable to grasp the idea of the equality of man, and expressed their contempt for those who claimed for the people the right of selecting their own rulers. The word was particularly objectionable to Andrew Jackson but, as the years went by, the strength and intelligence of the party revived the word and gave to it the color and significance which makes it to-day the name of the great political creed of mankind.

At the presidential election of 1856, the Republican Party of to-day first came into national prominence, having appropriated part of the name of the old Democratic Party.

The Democratic Party is, historically, the most important of American political parties, and Democracy is one of the foremost elements in American life. Democracy is the creed of the man, the fruit of Liberty. The Democratic Party was organized to secure and maintain the rights of the citizen and of the individual States of the Union.

At the close of the Revolutionary War, although the colonies had attained their independence and established a republican form of government, the spirit of aristocracy still held a place in the land, and old customs were still revered through force of habit and fear of change. Washington himself was an aristocrat, in some ways, and Hamilton would have had a limited monarchy established in this country, could he have had his way. Many prominent families were English in their sympathies and education and, although they had countenanced the Revolution, they were like aliens in their political doctrines.

There had been no time to frame new laws; the country had just emerged from British rule and the only known laws were English laws. The love of individual liberty was strong in the breasts of all true Americans, and to this was joined a repugnance for England and everything English. The Federal Party assumed the control of national affairs upon the founding of the Republic, and Federalism was impregnated with British doctrines, and codes and customs. One feature of English rule was that it was carried on under a sovereign head, to which all were subject, and the Federalists, retaining the idea of centralizing all power, desired to hold the States under the control of the general government. Thinking men saw, in such usages, a perpetual bar to the full liberty of the subject, and an undesirable, perhaps galling, curb put upon the individual States of the Union.

Thomas Jefferson was the first leader of the Democratic Party in the nation, and fittingly so. Had he not drafted the Declaration of Independence which proclaimed all men free and equal? And was not every phrase in the platform of the young party aglow with Liberty? These favored manhood suffrage, States' Rights, freedom of religion, of speech, of politics, of the press; advocated political rule, economical government, free trade, hospitality to immigrants, the avoidance of all foreign complications and believed in peace.

It is interesting, instructive, inspiring, to dwell upon these tenets of the young party and realize what they have done for the country and how strong a hold they have upon the national mind to-day. The party has never sold nor bartered these birthrights and, by consistently adhering to them, has seen other parties appear and disappear, while to-day its ranks are greater than ever.

The Federalist Party had control of national affairs until the election of Jefferson as President, who was inaugurated in 1801. Up to this time, the Democratic Party had been strict-constructionist, but the acquisition of power threw their minds from the sole contemplation of individual and States' Rights and they began to favor measures of a nationalizing character.

After the War of 1812, the Federalist Party went out of existence and the Democratic Party had complete possession of the field. In 1820 Monroe was re-elected without opposition, but opposing tendencies in the nation and in the party had already begun to show themselves and were preparing the way for a new party division between the Whigs, who were advocates of protection and other nationalizing measures, and those Democrats who still held to the old program of States' Rights, free trade and restricted government.

With the election of Jackson, in 1828, new social strata came into power in the Democratic Party and the extension of the franchise gave it a more popular character. From 1828 until 1840, the Democrats carried the presidential elections. They were successful again in 1844 but were defeated in 1848, after which they were again in power until 1860. During this period they had destroyed the United States Bank, annexed Texas, and carried the country through the war with Mexico. But meanwhile the slavery question was gradually forcing a division between the Democrats of the South and those of the North; the latter not being willing to go so far in the protection of slavery by national authority as the Southern Democrats desired. The final rupture came in 1860, when two Democratic candidates were nominated, allowing the Republicans to elect Lincoln.

From 1860 until 1884, the Republicans carried every presidential election. Then Cleveland became President. His second presidential term, from 1892 to 1896, was the closing régime of the Democratic Party in the 19th century.

CHAPTER II.

The Rise of Political Parties in New York State—Federalists and Anti-Federalists—the Philadelphia Convention—Adoption of the Federal Constitution—Governor Clinton's Régime—1786-1793.

PRIOR to and during the American Revolution, there were no political parties in New York State, but as soon as the treaty of peace was ratified by England, in 1783, leading men, not only in this State, but in all the States, began to deliberate upon the best means of advancing the interests of their respective States. The Articles of Confederation adopted in 1777 were well enough among a union of States against an outside foe, but as soon as that foe disappeared and a national government was needed to regulate both domestic and foreign relations, political and commercial, the insufficiency and weakness of the Confederation document became apparent. A few years of peace satisfied all of the inadequacy of the Articles of Confederation, and the leaders in all States agreed that some plan of government should be devised and adopted, but there were many differences of opinion as to what that plan should be.

Here party lines began to be drawn for the first time. The scope of the Constitution was made known. The Anti-Federalist Party, the parent of the Democratic Party, came into existence. It opposed strenuously the ratification of the Constitution in its parent form, fearing it would put liberty into jeopardy, because of the extensive grants of power to a central government. It was not opposed to a Federal government, but it wanted that Federal government put under proper restraints. Here we find the germ of the few fundamental principles that mark the division of the people into two great parties. The Anti-Federalist opposed the Constitution, believing its tendency to centralize power endangered free government, and succeeded finally in curtailing that power by ten amendments to the Constitution, which were of the nature of a bill of rights, whereupon the Anti-Federalists withdrew their opposition to the instrument. Soon there was a disposi-

tion shown by the Federalists to drift away from the Fundamental Law of the Land. The Anti-Federalists set themselves against any loose construction of the Constitution, and favored, as the Democratic Party now favors, the fullest compliance with the Constitution, believing that it is the surety of a free government, and that any deviation from honest interpretation of it is dangerous. From the adoption of the Constitution down to the present time this question has been to the front. The Anti-Federalists were opposed to government outside of the Constitution and the offspring of that party—the Democratic Party—stands on the same ground.

After considerable intercourse, commissioners from several States met at Annapolis, Md., in September, 1786, "to take into consideration the trade and commerce of the United States and to consider how far a uniform system in their commercial intercourse and regulations might be necessary to the common interest and permanent happiness" of all the States. In February, 1787, Congress resolved that it was expedient that a convention of delegates, to be appointed by these several States, should be held at Philadelphia, in May of that year, "for the sole and express purpose of revising the Articles of Confederation and reporting to Congress and the several Legislatures such alterations and provisions therein as should, when agreed to in Congress, and confirmed by the States under the Federal Constitution, be adequate to the exigencies of government and the preservation of the Union."

The Legislature of New York State was then in session in New York City, and it devolved upon that body to decide whether it would send delegates to the Philadelphia Convention in May, and to select such delegates, if the decision were affirmative. Notwithstanding that many of the leading men in this State were suspicious that the proposed convention would take action which might prove inimical to the welfare of the State of New York, it was decided to send delegates to the Philadelphia Convention, and three were chosen, namely, John Lansing, Robert Yates and Alexander Hamilton. The choice of Hamilton did much credit to the liberality of the Legislature, or else politicians in that day were not so partisan as they have since become, for Hamilton was always an ardent Nationalist.

George Clinton was then Governor of the State, and, although a

protégé of Sir George Clinton, the colonial Governor, was thoroughly Democratic, and was one of the earliest friends of the American cause. He had been repeatedly elected Governor and was very popular with the people, besides possessing a keen, logical mind and great decision of character. He was opposed to the adoption of a Federal Constitution and was supported by such men as Robert Yates, afterwards Chief Justice and Chancellor, and the talented Melancthon Smith.

It was a settled policy of New York to defeat, if possible, any proposition for a national revenue. This State, with its great port of New York, its vast territory and its geographical position, desired to control and collect its own customs duties and had already had some differences with Congress over the Port of New York. Also, there were jealousies among all the States, from which New York State was not free, and many of its leading men feared that it would not have an equitable representation in a Federal government.

Alexander Hamilton was a Federalist and disliked Governor Clinton. He was the most brilliant advocate of the Constitution, and with James Madison, Thomas Jefferson, Rufus King and Gouverneur Morris served on a committee appointed by George Washington, Chairman of the National Convention, to put in order all plans and amendments bearing on the proposed Constitution that had been offered during the long and stormy session of the convention. Gouverneur Morris put the Constitution into proper literary form. These men desired to establish an energetic national government and had a considerable following.

A large majority of the Legislature were friendly to and supporters of Governor Clinton, yet they generously gave Hamilton a seat in the National Convention. They were, doubtless, influenced by his abilities and legal learning, yet the Legislature acted with extreme caution, for it passed a resolution declaring that the delegates were appointed "for the sole and express purpose of revising the Articles of Confederation, and reporting to Congress and the several Legislatures such alterations and amendments therein as should, when agreed to in Congress and confirmed by the several States under the Federal Constitution, be adequate to the exigencies of the government and preservation of the Union."

The National Convention assembled at Philadelphia at the time appointed by Congress, and it soon appeared that the delegates were divided into three classes. The first of these desired to confine the Convention to an amendment of the Articles of Confederation, to establish Democratic governments by the respective States united by the Articles of Confederation, varying little from a treaty of alliance, offensive and defensive. To this view of the case, the delegates from New York were undoubtedly restricted by the resolution of the Legislature. A second party, which was headed by Alexander Hamilton, advocated a strong aristocratic national government. A third party was formed at the convention, which took the middle ground between these two extremes, and advocated the formation of a government, partly national and partly federal; a government both elective and representative in its character; a government which should represent the people in their numerical strength and the States in their sovereign capacity. The people were to be represented in one branch of the Legislature and the States in the other; while the national executive was created partly by the people and partly by the States. This scheme was sketched in a series of resolutions offered by Mr. Randolph, of Virginia, although they were doubtless drawn mainly by Mr. Madison. This was called "the Virginia Plan." A sufficient number of the first and second parties alluded to yielded to this middle course to constitute a majority of the convention. Hence our present Constitution, exclusive of subsequent amendments, was reported by the convention and recommended by that body to be adopted by the States. It should be mentioned that Messrs. Yates and Lansing early retired from the convention because they considered themselves bound by the resolution of the Legislature restricting their powers, but there is no doubt that they were in full accord with the spirit of that resolution.

The recommendation of the convention produced little effect on the opponents of the new plan of government in the State of New York. These opponents were called Anti-Federalists, and their numbers were very strong. They claimed that the new Constitution sacrificed too much to the small States, but the great cause of opposition was that the proposed Constitution departed entirely from the principles of the Confederacy and constituted a national government vested with exten-

sive powers operating, not upon the States but upon individuals. That it clothed the President with so much power and patronage that an unprincipled, ambitious man could subvert the liberties of the people and usurp the power of the government. Also, that the people themselves were not secured against the gradual encroachment upon their rights.

Governor Clinton, the first leader of the Anti-Federalists in the State of New York, and his friends, adhered tenaciously to the principles contained in the resolution of the New York Legislature, for the appointment of delegates to the National Convention. They contended that the Philadelphia Convention had not confined itself to amending the Articles of Confederation, but that it had created a *new Constitution*. Hamilton was a Federalist, and had proposed to have the Presidents elected for life, and the Governors of States appointed; so they feared all Federalists, believing that the proposed Constitution would ultimately produce a limited monarchy.

In his speech to the Legislature, in 1788, Governor Clinton made no reference to the fact that it had been recommended that the Legislature of each State should provide by law for the choice of delegates by the people to decide whether the proposed Constitution should be adopted or not. However, on the 17th of January, 1788, a resolution was offered by Egbert Benson, the purport of which was that members should be elected by the people in pursuance of the recommendation of Congress, to constitute a convention to take action on the proposed Constitution. This resolution finally passed both branches of the Legislature, and the election of delegates took place in the spring of that year. The sole question which confronted the electors in the choice of delegates was whether candidates were for or against the adoption of the new Constitution, and it is important to note that the people of the northern and middle counties were generally against, while those of the southern counties were in favor of the measure. The contest was a very heated one, and acrimonious speeches on both sides appeared not only in newspapers but in pamphlets. It was about this period that the celebrated numbers of "The Federalist," containing articles written by Hamilton, Jay and Madison replying to the objection of the Anti-Federalists, were published.



LAURENCE GILBERTSON

In the city of New York, John Jay, Alexander Hamilton, Chancellor Livingston, Richard Morris, then Chief Justice, and James Duane, Mayor of the city, were chosen delegates. In Albany County, Abraham Ten Broeck, Jacob Cuyler, Francis Nicoll, J. Bloodgood, Peter Gansvoort, John Lansing, Jr., Robert Yates, Henry Outhout, Peter Vrooman, T. A. Ten Eyck and Derick Swart, who were Anti-Federalists, were elected delegates.

The exact number of delegates to this convention is not easy to determine. The historian Hammond fixes the number at 67, but William Jay, in the life of John Jay, states that there were but 57 and that 46 of these were Anti-Federalists. Governor Clinton, Melancthon Smith and General James Clinton, father of De Witt Clinton, were among the delegates.

The convention met at Poughkeepsie and was organized on June 17, 1788, with George Clinton president, and on the 19th the discussion commenced. Able speeches were made on both sides, for the convention contained nearly all the best talent of the State at that time, and, on July 11, John Jay moved: "that the Constitution be ratified and that whatever amendments might be deemed expedient should be recommended." This brought forth the most vigorous opposition from the Anti-Federalists, who proposed to amend Mr. Jay's resolution so that it should read: "that the Constitution be ratified on the condition that certain specified amendments should be made." Upon these two propositions the discussion was continued, but, before any decisive vote was taken, news arrived that the convention of New Hampshire had adopted the Constitution.

One of the articles of the Constitution provided that when nine States should ratify it, it was then declared adopted. New Hampshire made the ninth State to adopt the Constitution, and New York was left no alternative but to assent to it or to be considered as seceding from the Union.

The Federalists at this juncture proposed to amend the amendment by substituting the words, "in full confidence" for the words "on condition," so that Jay's resolution would read:

"Resolved, that the Constitution be ratified in full confidence that the amendments proposed by this convention shall be adopted."

To this resolution a portion of the Anti-Federalists yielded their assent, although with great hesitation and reluctance, and so with these the Federalists were able to carry the convention by a majority.

Gilbert Livingston had been elected as an Anti-Federalist to this convention, but he was one of those who joined the Federalists in voting for the adoption of the Constitution. From a speech which he made in the convention explaining his position, it is evident that the Anti-Federalists who voted with the Federalists had some apprehension as to how the public at large would construe their conduct, but that he and his associates were influenced by only the highest consideration is unquestionable. European governments had begun to evince a want of confidence in the ability of Congress to enforce treaties. The credit of the national confederacy was low, and the Articles of Confederation were incompetent to enable Congress to regulate commerce or to restore public credit. There were differences in the commercial regulations of the different States, among whom jealousies already existed. All these things combined to form a sufficient reason for any patriotic man's subscribing to the Constitution.

The final vote, taken on July 26, 1788, stood thirty for ratification of the Constitution and twenty-seven against it, Governor Clinton, who was president of the convention, not voting.

The result gave little satisfaction to a great portion of the State, and it is recorded that the new Constitution was burned in the city of Albany in the presence of some of the officials of that city. It appears that the Federalists of Albany, on receiving the news that the Constitution had been ratified by the requisite number of States, appointed a day to celebrate the event. Having met, they formed a procession, intending to march through the principal streets of the city, led by General Schuyler and Stephen Van Rensselaer. This aroused the Anti-Federalists, who gathered together, made inflammatory speeches and burned the Constitution. While highly excited, the two parties met in Green Street, and the Anti-Federalists undertook to prevent the march of the Federalists through that street. They procured a cannon and loaded it with pebbles and gravel, intending to discharge it upon the Federalists should they attempt to force a passage. Some of the wiser ones, however, spiked the cannon; but this precaution did not

prevent an affray, in which paving stones, brickbats, cutlasses and bayonets were used, and several were severely wounded.

After the adoption of the Federal Constitution, and the organization of a national government in pursuance of it, and the unanimous election of George Washington for the first President, all disputes about the Constitution and its principles subsided for a time; but the two parties, Federalists and Anti-Federalists, which had formed in the State of New York on this question, still continued to exist and, although the cause which had brought them into opposition had been settled, other questions arose which not only kept them active but increased their antipathy.

The patronage of the national government, through the influence of Hamilton, Jay and General Schuyler with the President, was bestowed, either personally or politically, hostile to Governor Clinton, and Hamilton always spoke of him unfavorably. The design of Hamilton and his Federalist friends in this State was evidently to use the national patronage so as to curtail the influence of Governor Clinton, and finally prostrate both him and his party.

On October 13, 1788, the Governor issued a proclamation requiring the Legislature to meet at Albany on December 8th, and in his speech he stated to the two Houses that he had convened them at that early day to lay before them the proceedings of the convention at Poughkeepsie. He drew the attention of the Legislature to the amendments proposed by the New York Convention and to the declaration of rights which accompanied the ratification, and urged that active ratification be assented to "on the express confidence that the exercise of different powers would be suspended until it should undergo a revision by a general convention of the States." He therefore urged them to use their best endeavors to bring about a general convention. Governor Clinton was too wise a man and too keen a politician not to know that the matter was permanently settled, and his attitude at this time can only be construed as a manœuvre to hold together his party in New York State and to afford evidence of his opposition to a loose construction of the Federal Constitution, which tendency was already shown by the Federalists.

A few years after the adoption of the Federal Constitution, Jeffer-

son, who was in France when the document was adopted, and who, in letters to his friends, had urged that a "Declaration of Rights be annexed," saw, now that the bill of rights was a part of the Constitution, the inapplicability of the name "Anti-Federalist," and selected the hyphenated name "Democratic-Republican," believing that the new name was symbolical of the principles of the party and that it was the direct antithesis of "Federal." However, the first part of the compound title was soon after dropped, leaving the word Republican.

On the 15th of December, 1783, the two Houses elected five delegates to represent the State in the Continental Congress. The following, all of whom were Anti-Federalists, were chosen: Abraham Yates, Jr., David Gelston, Philip Pell, John Hathorn and Samuel Jones.

Although it was necessary for the Assembly to make provision by law for the appointment of the electors of the President and Vice-President, and for the election of Senators and Representatives in Congress, as by the United States Constitution the government under it was to go into operation the succeeding spring, yet Governor Clinton did not allude to the subject in his address, and after considerable wrangling provision was made for the appointment of electors of President and Vice-President. The two Houses could not agree, however, on the mode of choosing Senators, and the consequence was that New York was not represented in the United States Senate during the first session of the first Congress. Presidential electors were chosen and the law was passed by the New York Legislature for dividing the State into districts and providing for the election of six members of the House of Representatives of the United States. The first members of Congress from this State under the present Constitution were: Egbert Benson, William Floyd, John Hathorn, Jeremiah Van Rensselaer and Peter Sylvester. During this session of the New York Legislature a very important act "for the amendment of the law and the better advancement of justice," was passed.

Governor Clinton's term of office expired in July, 1789, that being the end of the old political year, and the Federalists set about to secure a strong candidate to represent their party. On February 11th of that year they held a meeting in the city of New York, at which Robert Yates was nominated to oppose Governor Clinton. At this meeting

Alexander Hamilton, Robert Troup, William Duer and Aaron Burr were members of a committee of correspondents appointed to promote the election of Judge Yates. The object which Hamilton and the Federalists had in view was to detach from Governor Clinton all the Anti-Federalists who would follow Yates, for Yates had been one of the strongest opponents of the new Constitution.

The election was warmly contested, and terminated in favor of the Federalists generally, though Clinton was re-elected. The vote for Governor will be noted with interest. By comparing it with the present vote in the State, more than 1,500,000, we can note the vast growth of the State since that day, even allowing for extended suffrage. Clinton received 6,391 and Yates 5,962 votes. Governor Clinton's election was a signal proof of his popularity, for his friends, on all sides, were defeated.

The principal officers in the State at this time were: Governor, Lieutenant-Governor, Chancellor, Chief Justice, with two Associate Justices, Secretary of State, Attorney-General and Surveyor General. The Legislature of 1789 met at Albany on the sixth day of July, and immediately proceeded to make a law providing for the choice of Senators in Congress, but the bill did not receive the approbation of the Council of Revision, and was returned to the Legislature. The two Houses then, by joint resolution, appointed General Philip Schuyler and Rufus King Senators, and these were the first men who represented New York State in the United States Senate. Mr. King was a native of the State of Massachusetts and had represented that State in the Continental Congress. General Schuyler was at that time a member of the State Senate, and also of the Council of Appointment. His holding these positions concurrently resulted in a great deal of discussion in the Legislature and considerable confusion in the Council of Appointment.

During this session of the Assembly Aaron Burr was appointed Attorney-General in place of Mr. Varrick, who had resigned, and Robert Yates was appointed Chief Justice to succeed Richard Morris, who also resigned.

The general election of 1790 resulted in a nominal majority in both Houses for the Federalists.

Ever since the organization of the United States government under the new Constitution the funding system proposed by Alexander Hamilton and the creation of a national bank had been subjects which excited much attention and upon which the public was greatly divided. The most objectionable part of General Hamilton's scheme was the assumption by the nation of the debts of the respective States and the chartering of the bank. The Republicans (Anti-Federalists) of New York State were generally opposed to the assumption of the State debts. They were for preserving the importance of State authority and States' Rights, and believed the accumulation of a large national debt very undesirable; while Hamilton declared it would be a national blessing. It does not appear that the Republicans were opposed to the bank scheme at that time. However, at the session of Congress in New York during the summer a majority was obtained in favor of the assumption. Both General Schuyler and Mr. King voted for the measure in the Senate.

During the year 1790 a census had been taken in the State of New York, which showed that the population then amounted to 324,127. This showed an increase of 85,000 since 1786. The Governor, therefore, in his address to the Legislature, suggested that a new apportionment of the representation in the Legislature was required, as well as a new division of senatorial districts. The Legislature proceeded to act upon the Governor's suggestion and made a new apportionment, which indicated one Senator to each 817 electors. There were at that time 19,626 electors for Senators in the State.

During this session of the Legislature Aaron Burr was elected Senator against General Schuyler, and Morgan Lewis was appointed Attorney-General in his stead.

This Legislature invested the commissioners of the land office with great discretionary powers relative to the disposal and sale of public lands, and this extension of the prerogative of the land office subsequently led to fierce disputes. At the opening of the next session of the Legislature, the Governor advised that the proceeds of the sales of public lands should be applied to the discharge of the State debt and the surplus invested in such manner that the income arising therefrom should be used annually to defray the expenses of the State.

Governor Clinton's term of office expired in 1792, and both political parties early displayed a most intense anxiety regarding the result of the next general election. The Republicans clung to Governor Clinton, and the Federalists, after much deliberation, settled upon John Jay. Aaron Burr was prominently mentioned as a candidate by the moderate men of both parties.

During the anti-election days a violent attack was made upon Governor Clinton on account of the manner in which the sales of public lands were conducted. When this State became independent of Great Britain it contained more than 7,000,000 acres of wild, unsettled lands. Laws had been passed from time to time providing for the sale and settlement of these lands, but up to the year 1790 few sales had been effected. The State being in need of funds, and all well-wishers of the State desiring to encourage settlement, the Legislature, at their session in 1791, passed a law to which we have referred, authorizing the commissioners of the land office to dispose of the unappropriated lands in this State "in such parcels and on such terms as they should judge most conducive to the interests of the public." This was placing vast power in the hands of the land commissioners, yet it was done with the consent of both political parties. The commissioners were the Governor, Secretary of State, Attorney-General, Treasurer and Auditor. J. A. Scott was Secretary of State; Aaron Burr, Attorney-General; Girard Bancker, Treasurer, and Peter Certenius was Auditor. During the year 1791, 5,542,173 acres of land were sold for the sum of \$1,030,433. This was less than twenty cents an acre. One man, Alexander McComb, purchased an enormous tract of 3,635,200 acres at eight pence (sixteen cents) an acre, payable in five annual installments without interest. When this report came under consideration in the Assembly, Colonel Talbot, of Montgomery County, presented a series of resolutions which severely condemned the conduct of the commissioners; but, after a long and acrimonious discussion, these resolutions were finally rejected.

The election for Governor in April, 1792, was fought out bitterly by both parties, and resulted very unsatisfactorily to both sides. The State canvassers that year were: David Gelston, Thomas Tillotson, Melancthon Smith, Daniel Graham, P. Van Cortland, Jr., David Mc-

Carty, Joshua Sands, Jonathan N. Havens, Samuel Jones, Isaac Rosevelt and Leonard Gansevoort. These gentlemen could not agree regarding the votes given in the counties of Otsego, Clinton and Tioga, in which counties irregularities had occurred. The first seven named were for rejecting the votes of these counties, and the last four were for allowing them. To extricate themselves from this dilemma, the canvassers agreed to request the opinion of Rufus King and Aaron Burr, the two State Senators, both of whom were eminent lawyers. The committee, clearly and at length, stated all the points in the case and laid them before King and Burr in writing. King decided that the votes of the three counties, except part of those from Cherry Valley, were valid. Burr decided that the votes of Clinton County were valid, but not those of Otsego and Tioga. Messrs. Gelston, Tillotson, Smith, Graham, McCarty and Havens finally decided on rejecting the votes of all three counties. Against this the other four protested, and entered their protest on the minutes of the committee.

If the votes in these three counties had been canvassed, John Jay would have been elected Governor, but, without the votes of these three counties, Clinton had a majority of 108, as returned by the State canvassers. Clinton accepted the returns as electing him, for he had been declared elected Governor by the only tribunal which had a right to speak on the subject. Had he declined acting, the State would have been, for the time at least, without an executive department. John Jay took the result very philosophically, but the Federalists were exasperated almost beyond expression. Public meetings were held in almost every county of the State and the Governor was denounced as an usurper, while the canvassing committee was branded as corrupt.

Governor Clinton was installed July 1st, 1792, and on the 19th of that month a public dinner was tendered him by his political friends in New York. The toasts at this dinner were "The Constitution of the United States," "General Washington," "Thomas Jefferson," "The French Republic." Reference is made to these toasts and to this dinner, because the toast to the French Republic was an expression of growing sentiment, which afterwards became a factor in the political affairs of this State. The Republicans became friendly to France, while the Federalists upheld England.

On November 6, 1792, the Legislature met in New York City, and on November 13 a body of men, calling themselves deputies, from different parts of the State, appeared before the Legislature to solicit "a legislative remedy for the late outrage said to be committed on rights of suffrage by a majority of the canvassing committee." They were introduced to the bar of the Assembly with great formality and solemnity by Mr. Hoffman, who presented their memorial. The memorial was referred to a committee of the whole House, but it soon became very evident that there was a decided majority opposed to any legislative action on the subject, and the matter was dropped in the Legislature. The Federalists, of course, pursued the matter with great vigor, no doubt to keep up the popular excitement against the Governor and his political friends.

As an offset to this, the friends of Governor Clinton introduced a memorial against William Cooper, first judge of Otsego County, declaring that an impeachment might be found against him by the House. The charge was that Judge Cooper interfered with voters at the polls on election day and particularly menaced a Mr. Cannon. Like the other case, this came to nothing, and both, at this time, convey only one impression, and that is that they were political plays, each side parading and burning red fire.

The election in April, 1793, resulted in a large Federal majority. The Legislature met in Albany on January 7, 1794, and in his address Governor Clinton referred to a matter which is worthy of notice, because it exhibits the state of the Criminal Code at this time, and shows that the Governor was in advance of the age in which he lived. Some twenty-five separate crimes besides that of murder were punishable with death by the laws then existing, and the Governor urged that the certainty, rather than the severity, of punishment, was the best means of preventing crime. There can be but one deduction from this part of his address, and that is that he desired the Legislature to take steps towards lessening the extreme penalty for minor offences. In those days men were hanged for felonies that would now subject them only to a few years' imprisonment.

CHAPTER III.

Early Conditions in New York State—Constitution of 1777—Political Confusion Arising Therefrom—The Council of Appointment—The Council of Revision—Suffrage—French and English Sentiments in Politics—Decline of the Federalist Party—1793-1800.

It was often remarked by the residents of other States in the early days, indeed, well into the 19th century, that the politics of New York State were, to them, an enigma. It is doubtful if very many students of history have to-day as clear and precise a knowledge of the early political affairs of this State as they should wish. Let us, therefore, before pursuing further the history of the young Republican Party in its struggle against Federalism, consider a few of the social and political conditions which characterized this State in the first years of its life.

The form of government first established in New York State was less democratic than that of any other State in the Union. There were two causes for this. The first cause was that when the Revolution broke out New York had a greater factor of aristocracy than in any other State. We had quite a few wealthy families, proud of their position and lineage. In Westchester County there were the Morrises and Van Cortlands; along the Hudson were the Livingstons and Coldens; Albany had the Van Rensselaers and Schuylers; Sir William Johnson lived in state at Johnstown, and New York City could boast of several ancient families for so young a country. Several of these families owned immense tracts of land and drew large incomes from numerous tenantry. The population of the State was small in those days, and, outside of these wealthy patroons, the people were poor. It is, therefore, easy to understand that the wealthy few wielded an influence altogether incommensurate with their numbers. The society of that day was not democratic, nor had the laboring class anything

to say in the government. This condition did not exist so markedly in any other State.

The second cause was that the Constitution of New York was one of the first framed. John Jay was its principal author, and he had neither experience to guide him nor a model constitution to copy from. It is not derogatory to him to assert that he did not draw up a model document. He was a good man and an honest man; he was a clear-headed politician, and his friends considered him a statesman, but he belonged to the old aristocratic school. He had studied the history of republican Rome, and he feared to trust power in the hands of the multitude; so the Constitution of New York restricted the suffrage and gave the State judiciary an independent tenure of office; so a Council of Revision held a check upon the Legislature, and a Council of Appointment fought out its battles with the Governor.

Second sight is not an attribute of the politician, nor foreknowledge a part of the wisdom of the statesman. Honest John Jay could not foresee that an educational revolution would come upon the land; that Jedediah Peck would inaugurate a school system that would develop constructive and not destructive citizens. He could not dream that the different bloods of Europe, when mingled on American soil, would produce a race as much superior to the Roman as the Roman was superior to the Gaul. He could not foreknow that the day on which he wrote that Constitution would bequeath to coming days traditions which the men of this State would hold too sacred to violate. What a revelation it would have been to John Jay could he have possessed for an hour the spirit of divination that beheld Abraham Lincoln, a man risen from among the people, standing upon the field of Gettysburg and proclaiming a "government of the people, for the people and by the people."

Much of the confusion and aborted legislative labor of the earlier history of this State was produced by the Council of Revision and the Council of Appointment. What were these Councils?

The Council of Revision was composed of the Chancellor, Judges of the Supreme Court and the Governor. This Council held a negative upon all laws unless passed by two-thirds of both Houses of the Legislature.

The Council of Appointment consisted of the Governor and four Senators. For the purpose of electing these Senators, the State was divided into four great districts, the southern, middle, eastern and western. Out of each of these districts the Assembly was required openly to nominate and appoint a Senator annually. These Senators, then, with the Governor, formed the Council of Appointment. The Governor was president of the Council, and had a right to a casting vote, but had no vote for any other purpose. The 23d Article of the Constitution said it was his duty "with the advice and consent of the Council, to appoint all officers." The members of the Council construed this one way, the Governor another, and collisions in the Council resulted. Both Governor Clinton and Governor Jay claimed that under this clause they possessed the exclusive right of nomination. The Council, on the other hand, claimed the exclusive right of nomination, and held that the Governor's province was simply to appoint their nominees. As all civil and military officers of any consequence, except the State Treasurer, from the heads of departments, Chancellor, and Judges of the Supreme Court, down to justices of the peace and auctioneers, were appointed by this Council, its powers can readily be seen.

Restricted suffrage was also the rule under the primitive Constitution of 1777, and was continued well into the 19th century. In New York State the property qualification for voters was not abolished until 1821, and then by the Republican Party.

The Constitution had no clause within itself to amend itself, and therefore retarded reforms.

In the closing page of the last chapter, reference was made to the address of Governor Clinton to the Legislature at its opening in 1794, and the reference above made to the Council of Appointment brings us again to that year in which more than the usual confusion of politics was produced by a clash between the Governor and the other members of the Council.

In October the Governor filed with the Secretary of State a protest against the proceedings of a majority of the Council of Appointment at the March meeting of that body. The Council had decided that in all cases where the number of officers was not ascertained and limited by law, the number should be fixed by a majority of the Council, and

that in cases where the officer was required to be commissioned annually, the Council had the right to resist the reappointment of the incumbent without assigning any cause. The Governor alleged in his protest that he was charged with the faithful execution of the laws, therefore he was held responsible for such execution, and must necessarily be the judge of the proper means of effecting it. If that discretion were confided to others, he would be responsible for the acts of others, carried out against his wishes; that so many officers might be created as to cause confusion, or so few that the force would not be competent to accomplish the desired end. He admitted that the Constitution left the continuation of an incumbent in office to the pleasure of the Council, but he said: "By this was not intended a capricious, arbitrary pleasure, but a sound discretion to be exercised for the promotion of the public good."

General Schuyler, Selah Strong and Zinah Hitchcock, the three Federal members of the Council, published a long reply to the Governor's protest, and endeavored to show that his practice was not always in accord with his precepts. They were able, however, to cite only one instance where the Governor had, with the consent of a previous Council, removed a sheriff without charges and he was an offensive partisan. The most careful scrutiny of the record of Governor Clinton will fail to produce any valuable evidence against the statement that throughout his long career as Governor he considered the qualifications of an applicant for an office in preference to the man's political tendencies. On January 22, 1795, Governor Clinton published an address to the freeholders of the State of New York declining to be a candidate for Governor at the ensuing election. He stated that the condition of his health would not permit it. He was then fifty-six years of age and had held elective offices for thirty years.

When Governor Clinton announced his retirement, the Federalists began to bestir themselves to find a candidate for Governor. Alexander Hamilton was suggested, but declined to be nominated, and the party began to turn its eyes towards its old standard-bearer, John Jay. He was at that time in England, where he had been sent to conclude a treaty with Great Britain, and it was generally expected that the proposed treaty would be unpopular in the United States. If such should

prove to be the case it would greatly weaken Judge Jay's chances. However, he was elected before his return from England and before the contents of the treaty were known. The Republican Party, after much searching for candidates, finally selected Chief Justice Yates for Governor and William Floyd for Lieutenant-Governor, but John Jay was elected with Stephen Van Rensselaer for Lieutenant-Governor, and the Federalists obtained a majority in both Houses of the Legislature.

Had the treaty with England been made public before the day of election it is doubtful if John Jay would ever have been Governor, although he carried the State by a large majority.

At this time came into notice one of the most remarkable men whom the State has produced—De Witt Clinton. He ran on the Republican ticket for member of Assembly in New York City, but was defeated.

On July 2, 1795, the treaty with England was published and was followed by an outbreak of popular indignation. Governor Jay was burnt in effigy by a Philadelphia mob, and public meetings were held in almost every part of the Union, denouncing the treaty. An open-air meeting was held in New York and an immense crowd assembled. General Hamilton attempted to address the meeting, but was driven from the platform with stones. The meeting adopted violent resolutions against the treaty and then marched, with American and French colors flying, to a place opposite the Governor's house, where they burned the treaty.

A careful perusal of the literature of that day leads to the conclusion that the more intelligent of the Republican Party were not opposed to Governor Jay so much on account of the treaty, although it had its objectionable features, as on account of his political opinions in relation to the powers which should be exercised by the general government.

The Legislature convened in New York City on January 6, 1796, and Governor Jay, in his address, declared it to be his intention "to regard all his fellow citizens with an equal eye, and to cherish and advance merit wherever found." Reference is made to this speech of the Governor because it embodies the principle of civil service reform, which has agitated the minds of politicians up to the present hour. Governor Jay's declaration was very beautiful in theory, but no politician or statesman has ever carried it out rigidly in practice. When a

man is elected to an office which carries with it the power of appointment, it is only human nature that he should fill vacancies from the ranks of the party which elected him, so long as there are competent men in that party.

Like Governor Clinton, Governor Jay had his troubles with the Council of Appointment, but the positions of the two parties were now reversed regarding the right of nomination. The Republican Party had contended that Governor Clinton was entitled to this right, which the Federalists at that time disputed; now that there was a Federal Governor, the Republicans disputed his right to make nominations, and it placed the Federalists, who were now in power, in an awkward position because, to carry out their wishes, they had to stultify themselves and take the position which the Republicans formerly occupied. So, the Council of Appointment continued to produce dissension and confusion.

Owing to an increase in the population of the State, during this session a bill was passed increasing the number of Senators from twenty-four to forty-four.

The spring election of 1796 was favorable to the Federalists. The excitement over the British treaty had cooled down, and the demeanor of the French government towards this country being hostile, the Republicans, who were French sympathizers, lost force. Also, the popularity of General Washington and the rectitude of Governor Jay helped very materially to strengthen the Federalists.

The Legislature met in the city of New York on the first of November, 1796, to choose presidential electors, and the result was that not a single Republican elector was chosen.

During the session of 1797 a law was passed creating the office of State Comptroller.

The general election of April, 1797, showed that the Republican Party was gaining ground. It now included some notable men who had formerly been ardent Federalists. Chancellor Livingston is now found working with the Republican Party, and not only he, but all his immediate connections, known as the Livingston family, had changed ground and were working against their old allies. In New York City the Republican candidates were elected by a majority of

about 1,000, and among them were Aaron Burr and De Witt Clinton. Mr. Clinton was then about twenty-eight years old. He was a graduate of Columbia College, had a high reputation for scholastic attainments, was an able newspaper writer and a lawyer.

The Legislature met at Albany, January 2, 1798, when 101 members took their seats, and on the vote for Speaker, Derick Ten Eyck was chosen over William Dunning by a vote of 59 to 42. This was doubtless a party vote and showed the Federalists to have a majority of seventeen.

From 1798 down to the present, the Legislature has regularly met at Albany, which became the permanent seat of government in that year. For some time the question of the French Republic had been growing as a political factor in this State. It seems strange that, in a young country, the affairs of foreign nations should creep in and become political issues. This party sympathized with the French Republic, while the Federalists had formed a treaty with England and were for England and against France in sentiment. These sentiments became factors in the gubernatorial election of 1798, in which the Republicans nominated Chancellor Livingston against John Jay. Governor Jay was re-elected by a majority of 2,380 votes, but the general result of the election showed that the Republican Party was gaining ground.

Several men, afterwards prominent in the Republican Party, made their first appearance in public life in 1798; among them Erastus Root, Archibald McIntyre, Obadiah German and Jedediah Peck.

The years 1798 and 1799 were remarkable for political excitement, not only in New York State but throughout the Union. All the old political fires of 1788 blazed out anew and the general government added fuel to the flames by some of its measures. The friends of President Adams were openly charged with treasonable partiality for the British government and with attempting to invest the national government with powers far exceeding those conferred by the Constitution, and they were further accused of endeavoring to subvert our free institutions that they might establish what would be a limited monarchy similar to that of Great Britain.

Ever since the adoption of the Constitution, in 1787, it had been the habit of leading Federalists, in their daily conversation, to declare

their convictions that our democratic institutions could not endure for any length of time. Hamilton had openly avowed his principles in the convention in favor of a government which would have been in effect a limited monarchy, and had stated that he only yielded to the prejudices of the public to allow them "to try the experiment of a republic." It was known that John Jay had written a letter to Washington, dated March 7, 1787, on the subject of the form of government which this country should have. In that letter he said: "Shall we have a king? Not in my opinion while other *experiments* remain untried." These two men, Hamilton and Jay, leaders of the New York Federalists, had designated the republic an experiment, and no doubt honestly believed that, as no republic had been a success up to that time, the United States would share the fate of its predecessors.

In the State of New York, Hamilton and Jay were the dispensers of all the patronage, both State and national, and they bestowed it, almost exclusively, in favor of those who declared in favor of a strong and energetic government, and this the Republicans naturally resented.

Then, under President Adams, were passed the Alien and Sedition Laws, to which Republicans, not only in New York State but all over the United States, strenuously objected. Upon the top of these came the stamp duty, enacted by Congress, the very measure which had caused this country to rebel against England, and the people became alarmed for the safety of their republic.

To add to the excitement at this time, the result of the mission to France of Pinckney, Gerry and Marshall became known in this country, and it was learned that the French had endeavored to extort money from the American people as the price of a treaty with the French Republic. It seemed almost certain that a war would be precipitated with that nation, but happily it did not come.

In addition to all these things, New York State was wrought up over the Alien and Sedition Laws. When the Legislature of 1799 was in session, the celebrated resolutions of Mr. Madison, denouncing these laws, were communicated to our Legislature. When the Assembly was in committee of the whole on these resolutions, Mr. King, a Federalist, moved a resolution to the effect that the right of deciding on the constitutionality of all laws belongs to the judiciary department

and that the assumption of that right by the individual States is unwarrantable and tends to destroy the independence of the general government. This was Federalism in its purity, strange as it may seem at this day. The resolution was strongly opposed by the Republicans, but finally passed by a vote of 50 to 43. A similar resolution was passed in the Senate, where there were only seven votes against it.

After the election of 1799, in which the Federalists carried the State, they began to press upon the Republicans in an unwise and unwarrantable manner and used the Sedition Law to aid their purposes. General John Armstrong had written a petition to Congress for the repeal of the Alien and Sedition Laws and had allowed the bitterness of his feelings to appear in the document. Some copies of this petition were sent to Judge Peck, of Otsego County, who circulated them among his neighbors for signature. A Mr. Hamilton was then United States District Attorney and he instituted an action against Judge Peck under the Sedition Law and issued a bench warrant for the arrest of that gentleman. Judge Peck was taken from Otsego County to the city of New York, but, as there were no railroads in those days, his journey was nothing but a public exhibition of a martyr suffering for the right of petitioning the government; suffering for the freedom of speech and of the press. The news of this outrage, for it can be called by no other name in these enlightened days, spread all over the State and seriously injured the cause of the Federalists.

Both parties were now making preparations for the elections of 1800, both State and national, and Aaron Burr became very prominent on the Republican side. By using, with great skill, the services of Obadiah German and Judge Peck he carried the western district for the Republicans, and to him, more than to any other man, is undoubtedly due the success of the Republicans in that year.

A few days before the adjournment of the session of the Legislature of 1799, an act for "supplying the city of New York with pure and wholesome water" was passed. The scheme for chartering this company was formed and mainly executed by Aaron Burr. It was, in reality, a bill chartering the Manhattan Bank, and was so drawn as to enable Burr and his Republican friends to get control of the majority of the stock. Mr. Burr was placed at the head of the Republican ticket

in New York City, but the secret of the Manhattan company leaked out and that city was lost to the Republicans.

General George Washington died December 14, 1799, and his death was an irreparable loss to the Federalists as a party. While he was President, and subsequently while he was known to be a Federalist, the country retained a confidence that the party would not be allowed to go to extreme measures in subverting the rights of the people, but with his death that confidence vanished. He had been a magician to the Federalists, by the mention of whose name they could conjure votes, and they never again controlled the country, although they carried the New York Legislature in the year 1809.

The election in April, 1800, resulted in a complete triumph for the Republican Party in the State and also in the nation, and brought about the election of Thomas Jefferson as President, and Aaron Burr as Vice-President of the United States.

This brings us to that contest upon which so many men have written and in connection with which so many diverse opinions have been expressed regarding the conduct of Aaron Burr. It will be remembered that when the presidential electors met and the votes were canvassed, it was found that Jefferson and Burr had each received 73 votes. Mr. Adams received 66 and Mr. Pinckney 64. While affairs were in this condition, it is charged that Mr. Burr attempted, by intrigue, to be elected President in preference to Mr. Jefferson, but it was also charged that Mr. Jefferson purchased votes. The result was, as everybody knows, that Mr. Jefferson was finally elected, after the balloting had been continued for four days and four nights. Pages after pages have been written over this event, and the majority of writers trace Burr's political downfall to his conduct at that time. It is a debatable question whether up to the present any man has lived in the United States who, did he see a chance to be elected President, would not use any means within the range of politics, high or low, to secure his election; therefore, even if all that has been charged against Burr were true, he was no worse than other men. But very little of all that was charged was ever proved. It has been charged against that good and martyred man, Garfield, that he obtained his nomination by subterfuge, yet it did not blast his political prospects.

If, at the time Burr was elected Vice-President, he had lost his political standing, how was it that at a splendid dinner given by the Republican Party in Albany in the year 1801, the first toast was the President of the United States and the second was Aaron Burr? How was it that the Constitutional Convention, which met at Albany, October 13, 1801, unanimously elected Burr its president? How was it that William P. Van Ness, who engineered Burr's campaign, and was his second in his duel with Hamilton, was afterwards made a Judge of the United States Court? De Witt Clinton was dismissed from the position of Mayor of the City of New York in political disgrace and abandoned by his party, yet that party, inside of two years, turned about and elected him Governor of the State. It is true that politics "makes strange bed-fellows," and political enemies during one campaign are not infrequently political friends during the next.

The Federalist Party began to wane with the close of the century. It had lost its great head and leader, George Washington, but it had lost more. It had not only forfeited the confidence of the people but had incurred their anger. The leaders of the Federalist Party never appreciated the intelligence of the masses, in fact they did not give the masses credit for having any intelligence, and Hamilton took pleasure in telling them that they were their own worst enemies. The pro-English sentiments of the Federalists also assisted in diminishing the power of that party and the doctrines of the Republicans were more attractive to the rising generation than the exclusive theories of the Federalists. In the spring election of 1801, ex-Governor Clinton was once more elected Governor of the State of New York and a majority of Republicans were elected members of Assembly.

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MORGAN LEWIS.

CHAPTER IV.

From 1800 to 1810: The Constitutional Convention of 1801—The Strife between Aaron Burr and the Clintonian faction and the Livingstons—The Downfall of Burr—the New York State Bank and the Merchants Bank Company—Ascendancy of the Republican Party—Régime of Governor Lewis—European Affairs in American Politics—The Election of Governor Tompkins—The Embargo on American Shipping.

IN April, 1801, an act was passed in the Legislature providing for a convention to amend the State Constitution, and in August following the election of delegates took place. The tendency of this convention was strongly Republican, the Federalists making a poor showing on election day. Aaron Burr, William P. Van Ness, John V. Henry, De Witt Clinton, Smith Thompson, and Daniel D. Tompkins were notable members of this body.

On October 13, 1801, the delegates met at Albany and Aaron Burr was unanimously elected president of the convention.

This convention was restricted to the determination of two questions only. The first was to decide upon the number of Senators and members of Assembly, the other was to get at "the true construction of the 23d Article of the Constitution." They readily agreed as to the limitation of the numbers of the two Houses of the Legislature. Regarding the second question, they were merely authorized to declare "the true construction of the 23d Article of the Constitution," but not to alter the terms of that article, or to abolish, or to make a new one to take its place; that is, they were to interpret the intent of the convention of 1777. The convention decided that the Council possessed a concurrent right of nomination with the Governor, only fourteen members voting against this construction. John V. Henry voted with the minority and

made an argument in favor of the exclusive right of the Governor to nominate. De Witt Clinton, who appears to have been the leader of the majority in the convention, lived long enough to regret that the convention had not adopted the construction given to Article 23d by his uncle, Governor George Clinton. Daniel D. Tompkins voted with the minority, and twenty years afterwards was able to refer to his conduct on this occasion in terms of self-congratulation. The act of the convention in nowise mitigated the trouble caused by the Council of Appointment, the members of which seem to have been almost continually at issue with the Governor.

De Witt Clinton and Ambrose Spencer had produced a rupture with Governor Jay at a meeting of the Council in the winter of 1801, and during Governor Clinton's last term of office, and for many years following, ruptures between the Council of Appointment and the Governor were frequent.

The political control of the State of New York was transferred from the Federalist to the Republican Party by the elections of April, 1800 and 1801, and within the latter party began a struggle for supremacy among three different factions. These were the respective followers of Clinton, the Livingstons and Aaron Burr. A large majority of the party were attached to Governor Clinton, but the Livingston family was numerous in itself, possessed wealth, and therefore much power. Aaron Burr had a small number of friends and admirers in New York City, and supporters in almost every county in the State. His adherents were strongly devoted to him and many of them were men of much political tact, while all of his supporters were very active in his interests.

When the Council of Appointment met, in 1801, the followers of Clinton and the Livingstons decided that Burr and his following should not be considered members of the Republican Party, and that the great offices of the State should be divided between the Clintons and the Livingstons, or their friends. Then followed wholesale removals from office, and, in many cases, able men were deposed to make room for others much less competent. By this means, the Council made its power and influence felt in almost every community in the State. The result was the creation of a corps of electioneers in every township in the State, under the name of Justices of the Peace, and thus, judicial

officers, who should be removed entirely from party bias, were made the most active partisans in the political arena. In all these appointments, the friends of Aaron Burr were entirely ignored. In New York City the personal friends of Mr. Clinton were appointed, but, of the great State offices, the Livingstons received the largest share.

Under the Constitution as amended, the Assembly was to consist of one hundred members, and an apportionment was made by a law of the session of 1802, which gave each county its share of representation in that branch of the Legislature, in proportion to its population. During this session also, Mr. Clinton introduced an amendment to the United States Constitution, providing that each State should be divided into districts, and that the people of each district should choose one elector of President and Vice-President. The bill also provided that the electors should designate on their ballots which candidate they voted for, that is, for President and Vice-President. This bill became a law.

The spring election of 1802 was decidedly favorable to the Republican Party. In the Assembly, a large majority of Republican members were returned and there was not a single Federalist chosen for Senator that spring.

Immediately after the result of the election was known, the war between the faction of Aaron Burr and the allied factions of the Clintons and Livingstons broke forth with renewed energy and was carried on with great bitterness on both sides. A daily paper called *The American Citizen* had been established in New York and came under the control and influence of De Witt Clinton. This paper attacked Aaron Burr venomously, calling up his conduct of two years previous, when there was a contest between him and Thomas Jefferson for the Presidency. Burr and his friends started *The Morning Chronicle* in opposition to *The American Citizen*, and carried the war into the camp of the Clintons and Livingstons. These two papers kept alive the political strife between the opposing factions and helped to direct the course of events which was to result in political calamity to Burr. It would appear that not only was the political strife and enmity of those days exceedingly bitter, but even the leading men did not scruple to use the most violent language toward their opponents. For instance, De Witt Clinton, in a conversation relating to Colonel John Swartwout, a per-

sonal friend of Aaron Burr, called him "a liar, a scoundrel and a villain." This offensive language was reported to Colonel Swartwout and a duel was the consequence. Five shots were exchanged, and when Colonel Swartwout was twice wounded the surgeons interfered to stop the fight. To this Mr. Clinton was perfectly agreeable, declaring that he felt no personal enmity against Colonel Swartwout. This fact indicates that intemperate language was a habit of the times and was used without any special cause of aggravation.

About this time James Cheetham, who was editor of *The American Citizen*, published a pamphlet entitled: "A View of the Political Conduct of Aaron Burr." Shortly afterwards a pamphlet was issued under the signature of Aristides, which venomously attacked the public and private character of nearly every distinguished man of the Republican Party. Judge Livingston, and, indeed, the whole Livingston family, was fiercely assailed in this pamphlet, and De Witt Clinton and Ambrose Spencer were denounced with peculiar venom. William P. Van Ness has always been credited with being the author of this production.

The Clintons and Livingstons used all their efforts to discredit Burr and rob him of his political power, and when the Legislature convened in January, 1803, it soon became apparent that a very large majority of the members had been alienated from Burr.

On the 19th of March, 1803, a law was passed chartering the New York State Bank. There were then but three banks north and west of the city of New York, namely, the Bank of Columbia, the Farmers' Bank, between Lansingburg and Troy, and the Bank of Albany. The stock of these banks was principally owned by Federalists, and, when the application was made for the charter for the New York State Bank, a large majority of the petitioners claimed to be Republicans and asked for a charter upon party grounds, asserting that the bank would be a Republican bank. To the people of to-day that claim of a Republican bank naturally induces a smile. Yet in what way does it differ from Republican prosperity, in which so many good men believe more firmly than they do in Genesis? If Republican prosperity, why not Republican money or a Republican bank?

The April election of 1803 resulted in the complete triumph of the

Republican Party, not only in New York State, but in almost every State in the Union.

Through the influence of his enemies all political confidence was withdrawn from Aaron Burr, both at Washington and in this State, and his friends did not think it advisable to attempt to procure his nomination for Vice-President at the approaching presidential election. Governor Clinton was the man upon whom the party was desirous of conferring that honor. He accepted the nomination and another man had to be selected to run for Governor.

Burr and his friends did not admit defeat. The last annual election had exhibited so large a Republican majority in the State that there was not the slightest hope that the Federalists would elect a Governor. The situation induced the Burrrites, who believed that the Federalists would cast their votes for him, to bring out their chief in opposition to the regular Republican candidate. For a time his prospects seemed to brighten. His Republican friends in New York, though not numerous, were talented and worked actively in his interests, while in almost every county in the State distinguished men of his party declared themselves in his favor. Jonathan Fiske, George Gardner, David M. Westcott and Peter Townsend, of Orange County; General Erastus Root, of Delaware, the bold and uncompromising Republican of 1798 and a member of Congress, were openly his friends. John Van Ness Yates, of Albany, Judge Annin, of the Senate, Oliver Phelps, the great land speculator of Ontario County, and Peter B. Porter, also supported him strongly. But his acceptance of the nomination forfeited his standing as a Republican, because he thereby estranged himself from a majority of the party. Yet, it did not make his political overthrow any the more certain, for the Clintons and Livingstons were determined to accomplish that. Their numbers exceeded his and, as it is votes which bring victory in politics, his overthrow was inevitable.

The Clinton and Livingston wing of the Republican Party nominated Chancellor Lansing for Governor, who at first accepted, but soon afterwards withdrew. Morgan Lewis was then nominated. He had been Attorney-General under Governor Clinton, Justice of the Supreme Court and Chief Justice, and, although an indifferent politician, was acceptable to both the Clintons and Livingstons. Burr's hopes rested

upon the activity of his Republican friends. He believed that the Federalists would give him an unbroken vote, but Hamilton was his foe, and many of the Federalists were influenced by him either to vote for Lewis or not to vote at all, so that Burr did not receive the united support of the Federalists.

The contest terminated in Mr. Lewis' favor, and he was elected Governor over Burr by a majority approximating over 8,000.

This election was the beginning of the end of Burr's political career. He was as ambitious as he was capable, and the loss, first of the Presidency, and next of the Governorship, must have been gall and wormwood to his aspiring spirit. He was now a political Ishmaelite, and to Hamilton he laid the blame of having driven him into this political desert. He doubtless nursed his wrath, and was not averse to taking revenge upon the one foe who had been most specifically his Nemesis. Hamilton had always allowed his tongue much license in discussing Burr and, in one conversation during the election, he had spoken of him in very objectionable terms. Burr demanded a retraction or satisfaction, and this led to the correspondence preceding their duel, which is well known to every reader of history. Hamilton endeavored once too often to be evasively diplomatic, and the result was that they met upon the "field of honor," where Hamilton received his death wound.

The slaying of Hamilton had vastly more to do with Burr's downfall than all the political charges which his enemies had brought against him. As has been mentioned in the preceding chapter, the history of politics affords striking instances of men less able than Burr, who lost and regained political caste; and, had it not been for his unfortunate duel, Burr might still have remained a useful, perhaps, honored man in his State and country. His abilities must be acknowledged, and the fact that he at times persisted in a middle course should not have been to his detriment, since it showed a broad and charitable mind, slow to go to extremes, except in the direst necessity. In those days, not only was political strife very bitter, but men spoke rudely to and of each other. A moderate man was likely to be called a trimmer. Politicians did not care for the golden mean, and intrigue seems to have been preferred to fair and open war. To the writings of men living

in that atmosphere we are mainly indebted for our pictures of Burr. He killed Hamilton, and that great Federalist, by the manner of his dying, became invested with a halo that still endures. Hamilton was a brilliant man, and died a martyr to a custom that is now detested and obsolete in this country. Burr unwittingly bestowed on Hamilton the priceless boon of the undying pity and regard of posterity by making a martyr of him.

But Burr is also dead, and charity "which thinketh no evil" demands a juster judgment upon the conduct of this great man and the calamities that fell like the bolts of Jove upon his head. His duel with Hamilton ended the political career of both men, and reminds one strongly of Tom Hood's poem on the duel between Mr. Nott and Mr. Shott, in which Nott was shot and Shott was not. Had Hamilton slain Burr, while his splendid abilities would always have been recognized, he would unquestionably have been heralded in history as the pro-English aristocrat who slew the greatest republican of his day.

The following comparison of Hamilton and Burr by Erastus Root is valuable in this place: "I was acquainted with Burr, and, I thought, well acquainted with him, when in the height of his power and fame. I was two years with him in the Assembly, was in Congress when he was President of the Senate, and have heard him in the Supreme Court and Court of Errors. As a lawyer and as a scholar, he was not inferior to Hamilton. His reasoning powers were at least equal. Their *modes* of argument were very different. Hamilton was very diffuse and wordy. His words were so well chosen, and his sentences so finely formed into a swelling current, that the hearer would be captivated. The listener would admire, if he was not convinced. Burr's arguments were generally methodized and compact. I used to say of them, when they were rivals at the bar, that Burr would say as much in half an hour as Hamilton in two hours. Burr was terse and convincing, while Hamilton was flowing and rapturous. They were much the greatest men in this State, and perhaps the greatest men in the United States. Burr was not distinguished for his morality, nor was Hamilton ever dubbed professor of the moral law."

Through the death of General Hamilton and the retirement of Governor Jay, the Federalist Party of New York State was left without

any accepted leader. In the Assembly of 1805 there were less than thirty members of that political party, but William Van Ness, a young and talented lawyer, began to assume the prerogatives of leadership.

The presidential election of 1804 resulted in the re-election of Thomas Jefferson for President and George Clinton for Vice-President. There were then 176 electoral votes, and 162 of these were cast for Jefferson and Clinton. Pinckney, of South Carolina, and King, of New York, received the other fourteen votes. These figures indicate the prodigious strength acquired by the Republican Party within the space of a few years.

In his first message to the Legislature Governor Lewis strongly recommended that measures be taken to encourage education, and, in pursuance of this recommendation a bill was prepared, which became a law on the 2d of April, by which the net proceeds of the first 500,000 acres of land which should be sold should be appropriated as a permanent fund for the support of common schools. The money was to be loaned out on bond and mortgage by the Comptroller, and, when a fund sufficient to produce an annual interest of \$50,000 should be obtained, the interest was to be distributed among the schools. This may be said to have been the commencement of the school fund.

This year, 1805, the Merchants Bank Company, which had made two previous efforts to obtain a charter, again applied to the Legislature for one, and a great deal of scandal grew out of the attempts to bribe members of the Legislature by those interested in securing the charter. A bill chartering the bank was finally passed by both Houses, but, in the Council of Revision Judge Spencer strongly opposed it, and published his reasons for his opposition.

Governor Lewis was in favor of incorporating the company, and De Witt Clinton, nephew of old George Clinton, commenced a war upon him, alleging as his reason that the Governor favored the company from corrupt motives. There does not seem to have been any ground for this charge. Two reasons for Clinton's course stand out strongly. He did not think that Morgan Lewis was strong enough to stand at the head of the Republican Party in the State; indeed, it is doubtful if, during his entire career, De Witt Clinton thought any man except himself capable of the leadership of the party to which he belonged. He

was certainly a strong man and, mentally, far superior to the Governor, for whom he never seems to have had any particular liking. The second reason for his course was personal ambition. Allied with the Livingstons, he had secured the overthrow of Aaron Burr, and, now that Burr was out of the way, he desired to overthrow the Livingstons also. Governor Lewis was allied with the Livingstons, and the defeat of the Governor would be the defeat of that wing of the party.

During the summer of 1805 Clinton and his friends worked assiduously. They foresaw that if Lewis and the Livingstons were joined by the Federalists, there might be grave doubts as to the success of an attempt to defeat them. The Burrrites still existed, although their great chief was in disgrace; and Clinton began to make overtures to them, in order to strengthen his own party. The result of these negotiations was successful, and the Burrrites united with the Clintons. It was asserted five years later that Clinton secured the co-operation of the Burrrites through the promise of pecuniary aid, but there does not seem to be any real proof of the truth of this allegation; yet the statement caused De Witt Clinton much trouble.

Governor Lewis does not appear to have been a man capable of judging the public temper, and it would seem that there were times when he would have acted wisely had he submitted his addresses to an able secretary before delivering them. Both of these points were illustrated in his speech to the Legislature in 1806, by which he drew upon himself both censure and ridicule. In this speech he referred to a recent act of his by which he had granted a reprieve to a man who had murdered a child, because he considered the man's case merely manslaughter. For this his opponents criticised him most severely. During the Revolutionary War he had seen some service, and was fond of military display. In another part of his speech he made suggestions relating to the improvement of the militia; he spoke of the importance of martial music and said: "The drum is all important in the day of battle," and this remark brought down upon him innumerable shafts from the wits of that day.

In this same speech, however, he alluded to a matter which was then assuming a serious phase in this country, namely, the difficulties between the American government and the belligerents of Europe. He

expressed an apprehension that a war with England or France, or perhaps both of them, might become inevitable, and urged the necessity of improving the defenses of the State.

In connection with this subject it will be remembered that during their existence the Republicans had sympathized with the French, while the Federalists were attracted by the English cause, and among the charges made by the Republicans against the Federalists—the one that caused the greatest popular odium to attach itself to the latter party—was that they were not only favorable to the principles of the British, but were, in fact, partial to that nation. The parties still held their respective views regarding France and England, much to the detriment of the Federalists. The reason why the Federalists came to be pro-British in their sentiment is doubtless due to the fact that many of the Tories of the Revolution had attached themselves to that party. The Federalists, as a body, were doubtless as warmly attached to their own country and its institutions as was any body of men, yet their espousal of England, which country was still regarded as an enemy by the great mass of people, was a colossal political error, and unquestionably aided greatly in the final dissolution of that party.

During the Assembly of 1806, an act was passed for the prevention of bribery, by which any person who should promise, offer, or give any member of either house of the Legislature or Council of Revision any money with intent to influence his vote, should, on conviction, be fined a sum not exceeding \$1,000, or be imprisoned for a term not exceeding two years. The bill also included the member accepting any bribe.

While the business of the Legislature was going on, the war between De Witt Clinton and the Governor also progressed, and nearly all of the newspapers of that day took one side or the other. The Federalists for some time looked on with indifference, but finally avowed their determination to support Governor Lewis. The consequence was that at the election of members of the Legislature the majority of those returned were favorable to the Governor.

Soon after the election the Lewisites, or Quids, as they were sometimes called, began in their turn to take advantage of the powers of the Council of Appointment in order to avenge themselves upon the

Clintonians. On the first day of the meeting of the Council, De Witt Clinton was removed from the office of Mayor of New York, and Smith Thompson, then a Judge of the Supreme Court, was named as his successor. Judge Thompson, however, declined to accept the position, and Colonel Marinus Willett was then appointed Mayor. Perry C. Van Wyck was removed from the office of Recorder of New York, and many other changes were made in that city.

On the evening of the day on which De Witt Clinton was removed from the mayoralty of New York a majority of the members of the Legislature met in caucus and nominated Daniel D. Tompkins as their next candidate for Governor. Daniel D. Tompkins was at that time a Circuit Judge, but was little known in the political arena. John Broome was nominated for re-election as Lieutenant-Governor.

Morgan Lewis seems to have been not only a poor politician, but a weak man. At all events, he completely lost control of the party, and even the Federalists, to whom he had now to look for that support which would re-elect him, looked upon him with distrust. Although he controlled the patronage of the party, he was unable to make any use of it. He feared to appoint Federalists to office, lest he should be called a traitor to his own party. He was at war with the Clintonian faction and often at variance with the Council of Appointment, and his moves were made with a timidity which disgusted his friends. It was not, therefore, surprising that Judge Tompkins was elected Governor in the spring of 1807.

During the régime of Governor Tompkins the troubles of European nations not only continued to have an effect upon the politics of New York State, as well as of other States, but became a more pronounced factor in political affairs. The war between France and other European powers had produced a great demand for breadstuffs, and this had raised the price of produce in this country. America occupied a neutral position; all the waters of the globe were open to her vessels, and her ships began to do much of the ocean trade of other powers, particularly of France. England, being much stronger in shipping than France, desired to compel the French to transport their supplies in their own vessels, not only expecting to hamper the foe in this way, but to capture many of their transports. While the

United States did so much of the carrying trade for the French the aims of the English were largely frustrated, so it came that the English government adopted orders in Council to check all intercourse between America and France. This move struck France hard, and that country adopted retaliatory measures providing for the seizure of all American vessels which carried on trade with England. The American government remonstrated against these orders and decrees, but without effect. President Jefferson had an idea that neither England nor France could dispense with our produce, so he recommended an embargo upon all American shipping until our neutral rights were acknowledged by either one or both of the European belligerents. Congress adopted the recommendation and passed a law in accordance therewith. This embargo was at once felt very heavily in New York State. Shortly after it came into effect the price of wheat fell from two dollars to seventy-five cents a bushel, and this aroused the people and rendered them very susceptible to the arguments of the Federalists.

The Federalists unanimously denounced the embargo as a policy ruinous to the country, while the Republicans generally approved of it. De Witt Clinton, however, at first was opposed to these restrictive measures, but within a short time changed his views and renounced his opposition to the embargo laws, for which he was loudly denounced by the Federalists.

The second term of President Jefferson would expire on the third of March, 1809, and another President was to be elected in December, 1808. It was the custom in that day to designate the candidate for President by a Congressional caucus. Such a caucus was held, and James Madison was nominated, George Clinton being named for re-election as Vice-President.

The Livingstons, some leading Burr-ites, and Morgan Lewis, with his following, came out in support of Mr. Madison, and, at the same time, assailed De Witt Clinton because of his change of front on the embargo law. There was quite a sentiment throughout the Republican Party for giving the vote of the State to George Clinton for President. This, however, was opposed, on the ground that it would excite unkind feelings among the Republican friends of Mr. Madison and probably hurt the party with Republicans of other States, and would do

Mr. Clinton no good, as it was morally certain that Mr. Madison would be elected. Eventually, however, six of the electors of this State did vote for Clinton for President.

The result of the vote for President was 122 for James Madison, 48 for Charles C. Pinckney and 6 for George Clinton. For Vice-President, George Clinton received 113 votes; Rufus King, 48; John Landon, 9; James Monroe, 3, and James Madison, 3.

De Witt Clinton about this time suffered great abuse from the Martling men, as his opponents in New York City were called. They abused him not only in the party council, but through the press, for his action regarding the embargo laws. So heated did the controversy become that Mr. Clinton introduced into the Senate a series of resolutions approving of the general administration, and took advantage at the same time of the occasion to defend himself against the charge of his enemies. Resolutions condemnatory of the embargo were also introduced, but those of Mr. Clinton were adopted by both houses.

It would seem that the Federalists had, at that time, a splendid opportunity to retrieve themselves and regain their lost prestige, for they were opposed to embargo laws; and the people, who were suffering loss through these laws, were also opposed to them. But the Federalists would persist that England was in no way to blame for the embargo; they laid all the blame on France. This revived the old feeling of 1798, if not of Revolutionary days, and the Federalists lost their last opportunity to return to power.

Napoleon having stated that when the English government would rescind its Order in Council respecting American trade, he would revoke his Berlin and Milan decrees, the English minister at Washington, Mr. Erskine, in April, 1809, entered into a treaty with the American government that the Orders in Council should be repealed on the tenth of June next. The Republicans of the nation considered this a triumph for the American administration. The English government, however, disavowed the authority of Mr. Erskine to make any such agreement, and thereby confounded both the Republicans and the Federalists. The Republicans thought that the policy of the administration at Washington had coerced the European powers, and the Federalists had during this time exonerated England from any responsi-

bility in causing the embargo laws. Both were wrong, and their disappointment increased a general bitterness toward England, with whom war was only two years distant.

The Federalists controlled the Legislature of 1809-10, and their Council of Appointment cleared out almost every Republican officeholder, from judges to justices of the peace. But a change was coming.

Tompkins and Broome were renominated and re-elected; and a peculiarity of this election was that Ex-Governor Morgan Lewis was a candidate for the Legislature on the same ticket with Governor Tompkins, who had defeated him three years previously.

The causes which led to the defeat of the Federalists in 1810 were, first, their alleged sympathy for England, and, second, the fact that Congress had changed the embargo for the non-intercourse system.



WILLIAM W. W. W. W. W.

CHAPTER V.

1810 to 1820: De Witt Clinton—His Aspirations to the Presidency—Inland Navigation—The Erie and Champlain Canals—The Bank of America—The War with England and New York's Attitude Therein—Re-election of Governor Tompkins—Decay of the Federalist Party—De Witt Clinton Elected Governor—His First Term and Re-election.

DE WITT CLINTON had for some years been an active politician and a prominent character in the Republican Party, and was destined to become still more prominent. For nearly a score of years the political battles of the State were waged around him, and some of them on his account. There was no movement during this period in which he was not concerned, and it is doubtful if any other man has done as much for New York State as he did.

In August, 1811, Lieutenant-Governor Broome died, and De Witt Clinton was elected to fill his place, John Taylor acting as Lieutenant-Governor in the interim. But Clinton did not secure the position without a contest. The Martling men, who were his inveterate and untiring foes, renewed their assaults upon him, not only holding meetings to denounce him, but going so far as to break up meetings favorable to him. He and President Madison had always been opposed to each other, and the Republicans who opposed Clinton felt sure of the President's approval. No historian seems to have been able to satisfy himself why Clinton should have accepted the nomination at all, and there is little doubt that, even at that time, he was contemplating a contest for the Presidency, and this position would confer no political power. The Federalists nominated Nicholas Fish as their candidate for Lieutenant-Governor, but, although the Martling men in New York City gave him their support, De Witt Clinton was elected.

Almost immediately after his election to the office of Lieutenant-Governor, Clinton's friends began to lay plans to have him nominated for President. With all his brilliancy and ability, he never laid any plans regarding his own future. It seemed an auspicious time to bring out his name for President, as the country was dissatisfied with the dilatoriness of President Madison in dealing with the English. That nation had claimed the right of searching American merchant vessels for British subjects to impress them into the British service, and some of the President's warmest friends became very impatient with him because he did not vigorously resent this. It is said that Henry Clay threatened to abandon him unless he resorted to more decisive measures with the English.

On the eighth of April, 1811, the Legislature passed an act appointing a commission, of which De Witt Clinton was one, to take into consideration all matters relating to inland navigation. These commissioners were authorized to make application to Congress, or to any State or territory, and to invite them to co-operate with New York in the project of improving the navigation between the Hudson River and the great western lakes, and to raise money from individuals or corporations for that purpose. This was the commencement of the canal policy in New York, with which De Witt Clinton was so intimately connected, and for which he did so much. Under the provisions of the act just mentioned, Clinton and Gouverneur Morris went to Washington in December, 1811, to obtain from the United States a grant of land in aid of the prosecution of the canal scheme. Their mission was absolutely unsuccessful, and, to make it worse, Clinton's enemies accused him of going to Washington for the sole purpose of furthering his own candidacy for the Presidency. Indeed, the idea of connecting Buffalo and Albany by a canal was ridiculed as the most chimerical of schemes.

About this time another great factor entered into the politics of New York State, and had a direct bearing upon the presidential aspirations of Mr. Clinton. A number of New York capitalists wished to incorporate the Bank of America, with a capital of \$6,000,000. Governor Tompkins was in favor of granting the charter; De Witt Clinton took no active part in the controversy, but was opposed to the

charter. The friends of the bank in the Legislature professed to be in favor of the nomination of De Witt Clinton for President. The nominee was usually selected by a Legislative caucus, but these friends refused to hold a caucus until the question of the charter was disposed of. Also, the members of Congress had put off holding their caucus until an unusually late date, yet both the members of Congress and the Republicans in the Assembly professed to be very anxious for Mr. Clinton's nomination. When things were in this condition the report was spread that the promoters of the bank were bribing members of the Legislature. Seizing upon this as a pretext, Governor Tompkins prorogued the Legislature, thus preventing action on the charter and consequently delaying the caucus. This action caused tremendous excitement, it being held that he was exercising the prerogatives of a monarch. Although the Constitution of 1777 gave him the power, it had long been disregarded. The Legislature met again on May 21, 1812, and the bill granting a charter to the Bank of America was finally passed by a vote of seventeen to thirteen.

De Witt Clinton continued his fight for the Presidency and control of all the Republican electors from New York State. Some of his best friends tried to dissuade him from the attempt, which could not possibly result successfully; but he persisted, and his campaign may be said to have been managed by Martin Van Buren, then a young man just making his appearance in public life. However, when the electoral votes were counted in Washington, Madison received 128 and Clinton 89. He did not get a vote south of the Potomac.

During the year 1811 an important change was made by the Republicans in their mode of selecting candidates for the Senate. Before that time the members of the Assembly from each senatorial district met in a caucus and decided, by a majority vote, upon a candidate. Instead of this mode of nomination, delegates were thereafter to be chosen at a meeting of county delegates, such delegates being chosen by the people at primary meetings. This was the commencement of the present system of selecting representatives of all kinds.

On June 20, 1812, Congress declared war against Great Britain, but very few of the Republicans from New York State voted for the measure. Considering their attitude up to that time, we would ex-

pect to find them ardent advocates of war; yet, they did not oppose the measure because they were opposed to war, but because they thought the country unprepared for it. Most of the New York members who voted against war were Clintonians. In the Senate Mr. Gorman, who was understood to represent De Witt Clinton, not only voted but spoke against the war.

In New York State the party opposed to the war was now composed of two strangely mated factions, the Federalists and the Clintonians, the former declaring that we had more cause to fight France than England, and the latter maintaining that the country was in no condition to assume a belligerent attitude. The large majority of the Republican Party, however, approved of the war at that time.

On April 20, 1812, George Clinton, the venerable Vice-President, died. He was the youngest son of Charles Clinton, and was born in Ulster County, N. Y., July 26, 1739. He was carefully educated, and early showed his enterprising character by sailing in a privateer in the French War, and afterwards joining the militia, with which he took part in the expedition against Fort Frontenac. He practiced law in his native county until 1786, when he was elected to the Assembly. He was elected to Congress in 1775, voted for the Declaration of Independence, was appointed brigadier general of the United States in 1777, and in the same year was chosen both Governor and Lieutenant-Governor of the State, and held the office of Governor for eighteen successive years. He rendered important services throughout the war, and it was largely due to his counsels that communication was prevented between the British in Canada and in the city of New York. In 1788 he presided over the convention at Poughkeepsie to consider the Federal Constitution, the adoption of which he opposed, not deeming it sufficiently decided in favor of the sovereignty of each State. When Washington was elected President, in 1792, Clinton received 50 electoral votes for Vice-President. In 1801 he was again elected Governor of New York, and in 1804 Vice-President of the United States, receiving the same number of votes as Jefferson received for the Presidency. He opposed Madison for the Presidency in 1808, and received 6 electoral votes, but was continued in the office of Vice-President by 113 electoral votes, in which office he died. By his casting

vote in the Senate, January 24, 1811, the recharter of the National Bank was refused, he thinking it inexpedient rather than unconstitutional.

On January 28, 1813, Robert R. Livingston, late Chancellor, died in the sixty-sixth year of his age, and with his death passed the influence of the Livingston party in the politics of the State. By his death the Livingston family was deprived of its head, and Brockholst Livingston being Associate Judge of the United States Supreme Court, the party had no political leader. Chancellor Livingston will ever be remembered as an able politician and an upright judge, also as the man who encouraged and gave financial support to Fulton when he was endeavoring to apply steam power to navigation.

A Legislative caucus was held in February, 1813, to nominate a Governor and Lieutenant-Governor. Although De Witt Clinton had accepted the position of Lieutenant-Governor under Governor Tompkins, they had drifted apart, and were pulling in opposite directions politically. Clinton held it against Tompkins that he did not support him in his contest for the Presidency, and he now opposed Tompkins' re-election as Governor. The state of political affairs in the Republican Party during that period was very much mixed, and men who were allies one year were political enemies the next. Judge Spencer, who had formerly been a friend of Clinton, was now opposed to him, and Martin Van Buren, who did all he could to help Clinton in his presidential fight, now supported Tompkins for Governor, and rightly so, for he stood by the decision of the party caucus. He was, however, accused of unfaithfulness to Clinton for pursuing this course. Like many a politician since, Clinton sometimes felt himself greater than his party, but there is no instance where that assumption has not brought trouble to the over-weening statesman.

The Federalists nominated Stephen Van Rensselaer for Governor and George Huntington for Lieutenant-Governor, against Tompkins and Taylor. The Federalist candidates received the support of the Clintonians, and confidently expected to carry the election, but, to the surprise of both parties, Tompkins and Taylor were victorious.

Immediately after the election the Council of Appointment began to oust the Clintons. The political records of those early days show

that the Council of Appointment made political offices as uncertain as the proverbial flea, which now you have, and now you haven't. It was not a question of going into office with the party and going out with it; the Republicans ruled all these years except one, but, if an office-holder incurred the displeasure of a member of the Council, off went his head. As soon as one faction controlled the Council, out of office went all who did not belong to that faction. In a year or so another faction prevailed, and out went all office-holders again. Their doctrine was "To the victor belongs the spoils."

It is doubtful if many citizens in this State to-day would know who Daniel D. Tompkins was if his name was mentioned to them, yet he was one of the best Governors in the history of this State, and during his régime the State of New York may truthfully be said to have saved the honor, if not the very existence, of the Union. Some time after the commencement of the War of 1812 the national government became embarrassed for want of funds to carry it on. They found it difficult to collect the revenue in gold or to negotiate their stock for gold. There was no national paper currency. The first United States Bank had ceased to exist; England controlled the money market of the world, and it was England with whom we were at war. The national government was therefore forced to defray its expenses by borrowing money from the chartered banks of the different States, and by issuing treasury notes. But the banks of Boston, and indeed the whole of New England, were almost entirely controlled by the Federalists, who opposed the war and refused to lend a single dollar to the government, or to do anything which might give credit or currency to the treasury notes. Under these circumstances it was inevitable that all the specie in the United States would flow into the New England banks, unless the banks of the other States suspended specie payments, and this they did. The consequence was that the paper of the banks in New York and the States south and west of it began at once to depreciate.

To remedy this state of affairs the Republicans of New York undertook to help out the national government, and a resolution was introduced into the Senate, and strongly supported by Van Buren, General Root and Morgan Lewis, proposing that the State should loan the

national government half a million dollars to enable it to sustain its credit and meet its expenses. At this time the Federalists had a majority in the Assembly, while the Republicans had control of the Senate. When the bill was sent to the Assembly it was rejected.

The Governor's speech in 1814 was chiefly confined to details of the events of the war. This State presented a frontier of great extent, which lay almost unprotected against attacks from the enemy on its southern, northern and western borders. This rendered the duties and responsibilities of the Governor very laborious, but he proved himself equal to all emergencies.

The whole of New England had become Federalist, and the Federalists had all the time been opposed to the war. Moreover, the Federalists of New England were of the most extreme kind in their doctrines. Hammond, the historian, who lived in that day, says: "It was apprehended that they were determined either to change the administration or to secede from the Union and form a separate peace with Great Britain. This, however, they would hardly have the temerity to do, if New York continued to support the national administration. But if New York joined them, or even became opposed to the further prosecution of the war, the financial affairs of the nation would become so straitened and embarrassed as would have compelled either a change of administration or the submission of the United States to a disgraceful peace."

During the contest for Governor just recorded the eyes of the nation were turned expectantly toward New York State to see whether the Federalists or the Republicans would secure control; and it is said that the election of Tompkins was hailed by Madison and his Cabinet with unspeakable exultation. It is not too much to say that this success was mainly owing to the personal popularity of Governor Tompkins; and, moreover, that the stand taken by New York State had a great influence over the actions of New England and of New Jersey, which were fast developing Federalist sentiments.

An instance is recorded of Governor Tompkins which proves that he was one of the grandest patriots this country has ever produced. He was comparatively a poor man. Money was required to carry on the war. The banks would not loan their money without better security

than the stock or treasury notes of the United States. The banks, however, stated that if the treasury notes were endorsed by Governor Tompkins they would advance four or five hundred thousand dollars, to be expended in erecting defenses for the Port of New York. Rufus King called upon the Governor and laid this fact before him. Governor Tompkins refused to act except upon his own responsibility, which he said he would do and be ruined. He endorsed the notes and the money was advanced by the banks.

De Witt Clinton, at the same time, was doing everything in his power to assist the State and nation, although he was at variance with both Governor Tompkins and President Madison. He raised men and money for the defense of New York, and proved by his actions during these trying days that he was as good a patriot as any, notwithstanding the fact that he was denounced by his enemies as a mere politician.

The April election of 1814 resulted in a Republican victory throughout the State. The city of New York elected Republican members of Assembly, and several of the up-State counties changed from Federalist to Republican, so that the Republicans had now a majority in the Assembly, as well as in the Senate. In August, 1814, a small force of British sailed up the Chesapeake and landed troops, drove off a few regiments of raw militia, marched into Washington, destroyed some of the stores at the Navy Yard, set fire to the President's house and blew up the Capitol. This had the effect of stirring up even the Federalists of New York State. Meetings of all parties were held and resolutions to support the Governor were adopted. De Witt Clinton, who was then Mayor of New York, by his public addresses and influence with the city corporation, did much towards keeping up the spirit of patriotism and the support of the national government. The citizens organized themselves into military corps and agreed to attend at regular hours for drilling.

The Legislature, which was now Republican in both branches, took vigorous measures to put the State in an attitude of defense against the enemy and to aid the war measures of the national government. They increased the pay of the militia and passed an act to encourage privateering by organizing associations for that purpose, and provided for the raising of additional troops. A law was also passed for raising

two regiments of colored men for three years, among whom slaves might be enlisted, with the consent of their masters, and who were to receive their liberty on being honorably discharged. Nearly all of these enactments were opposed by the Federalists in both branches of the Legislature.

After the close of the war the Federalist Party rapidly declined. The United States had emerged from the contest with military credit, and a natural reaction set in against the Federalists, who had all along been opposed to the national administration, both because of the war and the way the war was conducted. Also they were, not without cause, suspected with being in league with the New England States in relation to the call of the famous Hartford Convention. What the objects of the convention were was never definitely known, because of the close of the war. Its object was suspected to be treasonable, and the fact that nothing ever became of it would indicate that the cause for which it had been called had ceased to exist as soon as peace was declared. The matter was largely discussed in that day, one party claiming that the object was, if possible, to effect a reform in the administration of the government; another party insisting that the object of the convention was treasonable, and that New England meant to secede from the Union and to negotiate a separate peace with Great Britain.

On September 27, 1814, a committee of the Federalist members of the New York Legislature issued a circular calling for delegates to a convention to be held at Albany on the fifth of October following. These delegates were to take action against certain violent projects which the Republican majority was said to have in contemplation. As no election was near, the inference was drawn that the object of this Albany meeting was to send delegates to the Hartford Convention, and the Federalist cause suffered greatly from this belief.

Immediately after the close of the war the party in power in New York State felt themselves able to distribute the public patronage to suit themselves. The result was another season of wholesale removals, which included several prominent men, among whom was De Witt Clinton. He was removed from the position of Mayor of New York City. It does not appear that Governor Tompkins desired to remove

Mr. Clinton, but that he was finally compelled to do so in order to placate the Tammanyites.

At that time De Witt Clinton's political prospects were at the lowest ebb. He was ruled out of the Republican Party, and the Federalist Party had become so weakened that it was very improbable he would ever again hold any power in the State, even if the latter party would accept him as a leader and he would ally himself with it. The party of the Federalists had existed because they made foreign issues a prominent part of their policy. But in this they had gone to such extremes that they would never again hold any power in the State. They now found themselves, along with their policy, outside of American sympathy.

It is a fact worthy of note that the national administration under the Virginia dynasty entertained a jealousy of the leading Republicans of New York State. They seemed to feel that the rapidly increasing popularity and political strength of this State were causes for grievance, so the policy at Washington was to prevent any man from gaining or retaining the leadership of the Republican Party of New York. In order to discourage majority leaders the favoritism of the national government was extended to the minority in the State, so they made William P. Van Ness a Judge of the Supreme Court, while they sustained the Martling men (Tammanyites) in their war upon Clinton. Governor Tompkins secretly encouraged the general government in this course of procedure, but, now that he had become the strongest Republican in the State, he found the same policy exerted against himself.

For some time President Madison had been figuring on the election of James Monroe as the next President. Governor Tompkins had also, for some time, been thinking of placing himself in the presidential chair. At that time the selection of the presidential candidate was made by a caucus of the Republican members of Congress. When the members from New York State arrived at Washington it was found that they were almost a unit for Governor Tompkins. It became speedily apparent, however, that his nomination could not be secured. The southern Republicans were all against him, claiming that he would be a weak candidate, as he had not achieved any national reputation

in a national office. Every member south of the Potomac was against him, while not a few of those from northern States were for Monroe.

It should be mentioned that during the year 1814 the Legislature of New York, which was Republican, interested itself to a notable extent in the cause of education and educational institutions. A bill was passed granting the sum of \$200,000 to Union College, and providing that the sum should be raised by lotteries. The same bill also provided for small donations to Columbia College, to Hamilton College, to the Historical Society, to the College of Physicians and Surgeons of the Western District of New York, and to the Medical College of New York. A law was also passed for the betterment of the common school system. This law re-enacted in improved form the statute of 1812 and added some new and important regulations, among which was the power conferred upon trustees to exempt poor persons from paying for the tuition of their children. But the care of the Republican Party to advance the condition of the people, as well as of the State, had always been a noticeable and highly commendable feature of the legislation and work of the party. To it the State owes not only the enlargement of public school advantages and the establishment of the free school system in the State, but also the extension of the franchise, in 1821, the building of the Erie and Champlain canals, the abolition of slavery, in 1827, and the development of the territory that has become the great Empire State, to say nothing of its having sustained the credit and power of the country through the troublous times of 1812-14.

In 1815, after he had been deposed from the mayoralty of New York, the political fortunes of De Witt Clinton were at their lowest ebb, but he turned his fine mind to literary work, and forgot the loaves and fishes of public life in the charms that literature unfolds to its devotee. Yet he was not long to remain in ostracism. Governor Tompkins, by his great popularity, and Martin Van Buren, through his consummate party management, acting together, had gained commanding control of the Republican Party, and Judge Spencer, who had ambitions of his own, desired to put a check upon the power of these men. He did this in a manner the most effective, while the most unexpected. He had not only been opposed to De Witt Clinton for some time, but

had denounced him so strongly that, although his wife was Clinton's sister, the men were not upon speaking terms. Now, in looking about for a man to wrest the power from Tompkins and Van Buren, he could see but one man, and that was Clinton. He became reconciled to Clinton, and then undertook to convert back to Clinton the very men he had helped to turn against him. It is surprising that he should have succeeded in this task, but he did. An event occurred just before the meeting of the Legislature, in 1816, which aided in restoring Clinton's prestige. A great meeting was held in New York, where resolutions were adopted in favor of constructing the Erie and Champlain canals, and an able memorial was drawn up by Clinton, in the name of the meeting, to be presented to the Legislature. This brought him directly in contact with the Legislature at Albany, and so consummately did he handle the canal question that, although the Legislature passed "An act to provide for the improvement of the internal navigation of the State," the whole scheme was considered Clinton's by the public at large, and he was given the entire credit for the project. Stephen Van Rensselaer, Samuel Young, Joseph Ellicott, Michael Holley and De Witt Clinton were appointed canal commissioners, and thus the last named was again a notable figure in the political arena.

Before the adjournment of the Legislature in 1816 the Federalists nominated Rufus King for Governor and George Tibbets for Lieutenant-Governor. The Republican Party, at a Legislative caucus, nominated Governor Tompkins and Lieutenant-Governor Taylor, and they were elected, while the Republican Party had a strong majority in both Houses.

A presidential election would take place in the fall of 1816, and Governor Tompkins had been nominated for Vice-President, with James Monroe for President. If these gentlemen should be elected the office of Governor of New York State would become vacant on the fourth of March, 1817. The friends of De Witt Clinton at once became active to procure his nomination by the Republican Party for that office. The friends of the canal were strongly in his favor, and this brought to him almost the entire support of the western part of the State. Martin Van Buren was opposed to Clinton, yet he did not seem to think that the latter was very strong. Governor Tompkins,

however, in his speech to the Legislature made no mention whatever of the canal, the greatest project then before the State and the question upon which Clinton was the strongest.

Monroe and Tompkins were elected President and Vice-President of the United States over Rufus King, of New York, and John E. Howard, of Maryland, Federalists, by a vote of 183 against 34 for King, and 22 for Howard.

Before resigning from the office of Governor, Daniel D. Tompkins sent a message to the Legislature on January 28, 1817, recommending the entire abolition of slavery in the State of New York, and naming July 4, 1827, as the day upon which such an act should go into effect. The Legislature adopted the recommendation of the Governor and passed the act. In connection with the great movement of abolishing slavery in this State the names of Cadwallader D. Colden, Peter A. Jay and William Jay should be mentioned in connection with that of Daniel D. Tompkins.

Up to this time it had been the custom of the Republican Party to select their candidate for Governor at a caucus of the Republican members of the Legislature. The supporters of Clinton, desiring to gain as much strength as possible, complained of this method, asserting with full truth that the Republicans in counties which were represented by Federalists had no choice in the selection of a Governor. They therefore proposed that delegates should be chosen in a county convention, such convention being composed of delegates chosen at the primary meetings of Republicans in the respective counties, that the number of delegates thus chosen should be equal to the number of members of Assembly from the respective counties, and that the delegates and members of Assembly should hold a joint caucus and nominate a Governor.

This plan was carried out, much to the advantage of the Clintonians, and at the meeting of the convention De Witt Clinton was nominated over General Peter B. Porter, who was put forward by Martin Van Buren. Van Buren and Tompkins worked assiduously to prevent the election of Clinton, the former going so far as to advocate the idea that no election for Governor was necessary, as Tompkins was entitled, if he chose, to hold both the office of Vice-President and that

of Governor, concurrently. This contention, it is believed, Tompkins himself repudiated and so gave it its quietus. Clinton had the support of the Federalists, who went so far as to state that if the Republicans nominated a suitable man for Governor they would not place a candidate in the field against him. Also, three members of the Council of Appointment were favorable to Clinton, and office-holders generally were therefore his friends, fearing to displease the Council.

Clinton and Taylor were elected, it may be said, unanimously, for the only opposition to them was that exerted by the Tammany men, who sent tickets into every county in the State with the name of Peter B. Porter for Governor printed thereon.

Thus did this wonderful man, who in 1815 was friendless and in the depths of political disfavor, become Governor of the State in 1817. In the autumn of that year Governor Clinton issued a proclamation recommending that Thursday, the 13th of November, be observed throughout the State as a day of Thanksgiving, and that proclamation established the usage of holding a thanksgiving day in November, which has since been adhered to. Governor Jay, many years previous, had attempted to establish this custom, but, after issuing one proclamation, abandoned it because he was accused of endeavoring to enlist religious prejudices in his favor.

During De Witt Clinton's first term as Governor, that faction of the Republican Party known as Bucktails came into notice under that name. They were really Tammanyites. One section or society of that body, who adopted the practice on certain occasions of wearing in their hats the tail of a deer, were from this custom dubbed Bucktails. The name spread and eventually was applied to their friends and supporters throughout the State. They were the uncompromising political foes of Governor Clinton, and from them the party who opposed Clinton's administration was known as the Bucktail Party.

No sooner had Clinton taken his seat as Governor than the Bucktails began to lay plans to curtail his power and make his first term his last. Moreover, notwithstanding his unanimous election, there was a feeling of antagonism to him throughout the Republican Party of the State. In the Legislature he had more enemies than friends. The policy which he pursued after his election was not calculated to

strengthen his hands. Possessed, as he was, of marvelous ability and high ambition, he seems to have had a contempt, or at least an indifference, for the little things which contribute to success. He would decide that a certain result must be obtained; for instance, he would run for President, yet he would not take the trouble to organize, lay plans and solidify his following. Even with the Bucktails doing all in their power to weaken his political strength, and the crafty Van Buren quietly undermining his foundations, he maintained an attitude of indifference, even of austerity, toward men who were willing to be his friends and whose support he needed. When he was elected Governor, Judge Spencer, speaking for him, gave his solemn promise that he would pursue a Republican course and discontinue all intercourse with the Federalists, yet Clinton continued his friendship for the Federalists, excusing himself upon the pretext that they approved of all Republican measures and therefore were not a party. While he fraternized with Judges Platt and Van Ness, Federalists, he would not allow his friendship to go the length of distributing patronage to their party, yet he declined to affiliate with Van Buren. He seems to have endeavored to hold the confidence of both parties, yet this course was the surest method of weakening himself with both. By repelling Van Buren he naturally made him leader of his Republican opponents and so contributed toward a split in the party.

Van Buren, by a subtle move, in the beginning of the year 1818, cast abroad a suspicion of the Clintonians and Clinton. The Legislature was to meet on January 5, of that year. Van Buren called a snap caucus of the members on January 4 to decide upon a Speaker. The caucus was packed with Bucktails, all of whom knew what was intended, and the Clintonians who were present—for not all of the members had arrived—went into the caucus not knowing what was in store for them. The Bucktails proposed William Thompson, of Saratoga, as Speaker, and naturally nominated him because they ran the caucus. The Clintonians did all they could to prevent this nomination, but failing therein, went out and bolted the caucus. This was just what Van Buren wanted them to do, as they put themselves in the position of seceding from the regular party and of men who would not keep faith with the majority of the party. Obadiah German, a Clintonian,

was finally elected Speaker after a hard fight, but this only made the breach between the two parties the wider.

These were troublous times in the politics of New York State, and a great deal has been said and written for and against both wings of the party at that time, and also for and against Governor Clinton. His opponents charged him with imagining himself the whole party, and expecting not only the party approval of his acts, but the admiration and even the homage of his friends. Others lavished upon him so much fulsome praise that they disgusted some members of the party, who came to be known, doubtless in derision, as "high-minded" men. Notwithstanding all this, it is hard for an impartial historian at this day to look upon Clinton as anything but a statesman and a patriot. This view is supported not only by his conduct during the war of 1812-14, when he did everything possible for his State and country, although opposed to the administration, but by his indefatigable efforts for the protection of New York City, although his worst enemies were fighting him in that city and, also, by his zeal for the internal improvement of the State, which nothing could abate. Moreover, during the bitter political strifes which characterized his first term as Governor, his speech to the Legislature in 1819 would indicate that there was not a ripple upon the political waters, for the whole trend of the address was the good of the State. He reviewed the canal policy and reminded the Legislature that, by the act of April 15, 1817, the Canal Commissioners were merely authorized to contract for constructing the canal between the Mohawk and Seneca rivers and between Lake Champlain and the Hudson at Fort Edward, and he strongly urged that the Legislature authorize the commissioners, by law, to open the entire line of canal navigation from Lake Erie to the tide-waters of the Hudson, and from Fort Edward to the head of sloop navigation on that river. So we say that, judged by his public acts, it is impossible at this day for any right-minded man to understand how any man who had the interests of his State at heart at that day could have opposed him.

During Governor Clinton's first term of office an attempt was made to abolish the abominable Council of Appointment. In the session of 1818 Mr. Edwards, one of the members from New York City, intro-

duced a bill in the Assembly, calling for a State convention to consider such parts of the Constitution as related to the appointment of officers. The object of the bill was to abolish the Council of Appointment and devise some other and better means of filling offices. The bill, however, failed to pass. Governor Clinton did not favor it, but in his speech at the opening of the session, in 1820, he recommended the call of a convention with powers to abolish the Council. A bill was brought in and discussed but, like its predecessor, failed to pass.

In the summer of 1818, Joseph Ellicott resigned his office of Canal Commissioner and Governor Clinton appointed Senator Hart in his stead. It was necessary, however, for the Legislature to ratify this appointment, and the Bucktails brought forward Henry Seymour against him. Upon a joint ballot of the Senate and Assembly, Mr. Seymour was chosen by a majority of one vote. This appointment, which ordinarily would not be considered of any great consequence, was at that juncture a matter of vital interest to both the Clintonians and the Bucktails. The appointment of Seymour gave the Bucktails a majority in the Board of Canal Commissioners and so threw into their hands a vast amount of patronage, which soon came to be felt along the whole line of country from Albany to Lake Champlain on the north, and to Lake Erie on the west. Moreover, the great scheme for controlling the canals, which had been the pride of Governor Clinton, was thereafter used as a means for his political annoyance and undoing, instead of being a help to him, and to this appointment can be traced the first weakening of the Clintonian Party.

The Bucktails at first opposed Clinton on the ground of his internal improvement policy, but, seeing that this course would lose them the vote of the western part of the State, they gradually changed front and supported him not only in this, but in almost every detail of his policy. They opposed him, however, as a political leader, and were unremitting in their efforts to accomplish his overthrow. It was a strange condition of affairs, yet not new to Governor Clinton. He had seen its like before when he had assumed the same attitude toward Governor Lewis, of whose policy he approved, yet whom he antagonized to his overthrow.

In the election of 1819 the Bucktail Party made a gain in the State, but not sufficient to acquire control of the Legislature, where the Clin-

tonians could count upon enough Federalists to give them a working majority.

During the year 1819 a controversy arose between the Comptroller, Archibald McIntype, and Daniel D. Tompkins, the Vice-President of the United States, over the settlement of an account between the Vice-President and the State. When Tompkins was Governor of the State and during the war with England, he had done a great deal of financing for the United States, which had placed at his disposal several millions of dollars to be expended under his direction. The Governor's accounts had not been kept as systematically as they ought to have been, doubtless owing to the excitement of the times and the unsettled condition of affairs, and when the books came to be audited he was brought in debtor to the State to the amount of \$120,000. No one would think of accusing him of peculation, so both Houses of the Legislature passed a resolution allowing him a commission sufficient to wipe out the indebtedness shown. The Comptroller refused to balance the account in this way, claiming that under the bill passed by the Legislature, Tompkins could claim from the State twice the amount of his indebtedness. Besides, if anyone owed him money, it was the United States and not the State of New York. There was a long and tedious discussion of the question, which was carried so far that both Tompkins and the Comptroller issued written statements of their side of the case, and had these statements scattered broadcast over the State. The matter was not settled until November, 1820, when Mr. Tompkins sent a release to the Legislature of all claims against the State, and a bill was passed in both Houses declaring the acceptance of the release. It does not appear that any one ever doubted the Governor's integrity, and no such doubt was ever expressed, unless his defeat for Governor by Clinton, in 1820, may be so construed.

On January 18, 1820, a legislative caucus of Republican members opposed the re-election of Governor Clinton and nominated Daniel D. Tompkins for Governor and General Benjamin Mooers of Plattsburgh for Lieutenant-Governor. Clinton's friends were in the minority in the Assembly, so they called no caucus but nominated him at a meeting of citizens held in Albany. John Taylor was nominated for Lieutenant-Governor at the same time.

The sole and only ground upon which Van Buren and the Bucktails opposed Clinton was that he claimed there was no Federalist Party, while they asserted there was and that Clinton was favorable to it. Otherwise they were in accord with him on his entire policy.

The result of the election was very close, but Clinton was returned by a majority of 1,457. His opponents, however, secured a majority in the Legislature.

CHAPTER VI.

The Bucktail Party—Federal Interference in State Elections—Conflict of the Senate with Governor Clinton—The Constitutional Convention of 1821—Prominent Members Thereof—What the Convention Did—Joseph C. Yates Elected Governor—Party Split over Presidential Candidates—Rise of the People's Party—Attempt to have Presidential Electors Chosen by the People—1820-1823.

THE Republican Party of the State was now distinctly divided into two opposing wings, namely, the Clintonians and Bucktails. The latter claimed to be the regular organization and was at that time so considered, while the Clintonians were simply what their name implied—the followers of the Governor, De Witt Clinton. The Bucktails maintained that Clinton was himself the party which bore his name; but it must be conceded that, even if this statement were admitted, this one-man party did more for the State of New York than the Bucktails ever accomplished. Van Buren, who was the leader of the regular Republican Party, ultimately became a greater man in the nation than Clinton, but he never did so much for the welfare of New York State as Clinton did.

Immediately after his second election to the gubernatorial chair, Governor Clinton began to advocate a constitutional convention, and in his speech to the Legislature he recommended that one be held. He also showed his thorough adherence to Republican doctrines by cautioning the legislative body to guard against encroachment, by the Federal Government, upon States' Rights, as well as upon the rights of the individual, by referring particularly to the interference, by the national government, in State elections. Although he had carried the recent election, his party had been practically overwhelmed, and the

Council of Appointment, which was selected on November 8, 1820, was politically hostile to him, so that he was shorn of all power of patronage.

The subject of a constitutional convention was referred to a committee, which reported a bill for the call of a convention. This bill passed both Houses, but was rejected by the Council of Revision by the casting vote of the Governor, who had recommended it in his address. It seems that his wish was that a vote of the people should be taken in order to determine whether it was their wish that such a convention should be held or not. He thought that the new Constitution should be submitted to the people by sections, instead of in toto, as the bill provided.

There seems to have been a seething unrest in the sea of politics at that time, and its waters were full of swordfish and sharks looking for political fishes and loaves to devour. The history of that period is rife with charges and counter-charges, and many people could detect some suggestion of wrongdoing or uncomfortable reflection on nearly every prominent man of the day. Men elected by one party were soon afterwards found working and voting with the other party; even the Judges of the Supreme Court were accused of chicanery. The Council of Appointment lopped off heads almost as fast as ever did the Jacobins during the French Revolution, and the Council of Revision flung back to the Legislature every bill that did not meet the personal wishes of its members. The people of the State were overwhelmingly in favor of a convention to amend the State Constitution, but the men they elected to the Senate or Assembly quickly saw another light after reaching Albany. Governor Clinton was the *bête noire* of all Bucktails, whose sentiment could best have been expressed by the popular phrase of the seventies, "Anything to beat Grant"; with the Bucktails it was anything to beat Clinton.

Amid the political unrest and disorder of the times, one combat between the Governor and the Senate should be recorded, because it led to legislation, the essence of which yet remains in the country.

In his speech to the Legislature, in November, 1820, the Governor did not precisely affirm, but intimated, that officers of the national government had interfered in the last election, and he went on to say that if they should interfere "as an organized corps," he trusted that

the people of the State would properly resist such alarming attempts to subvert their rights. The Senate chose to place the worst possible construction upon the Governor's words and seized upon this opportunity to make war upon him. To carry out this design the following preamble and resolution were introduced into the Senate by P. R. Livingston and passed despite the protest of the Governor's friends:

"In Senate—November 20, 1820.—Whereas, his Excellency the Governor, in his reply to the call of the Senate for information relative to the general government, or its officers, as an organized corps, interfering in our elections, has not furnished the Senate with any evidence in support of such charges. And, whereas, it is highly improper that the chief magistrate of the State should criminate the administration of the general government, without ample testimony in his possession, by reason whereof the good people of this State may have their confidence in the general government greatly impaired. Therefore,

"Resolved, That the Senate repose, the strictest confidence in the patriotism and integrity of the general government, and will not change such opinion, or yield to any insinuations against such administration, but upon full and satisfactory testimony."

The clerk was then directed to deliver a copy to the Governor, who upon the next morning sent the following reply:

"TO THE SENATE:

"Gentlemen—I have this moment received a resolution of your honorable body, which, as well as the one to which it refers, I shall fully notice at the next meeting of the Legislature; and shall, therefore, at this late hour, pass it over with the expression of my sincere regret that any branch of the Legislature should, in so unprecedented a manner, lose sight of the respect due to itself, and the courtesy due to a co-ordinate department of the government. DE WITT CLINTON."

Upon motion of Senator Skinner, the Governor's note was directed to be returned to him and then the Legislature adjourned within the next few minutes.

When the Legislature again met, on January 9, 1821, the Governor sent to the Assembly a message accompanied by a great many certificates, letters and affidavits showing the interference of national officers in the last election. These, in some instances, indicated pretty clearly that the patronage of the national government had been used against Clinton in the election. The documents altogether made up so great a bulk that they were put into a bag for convenience of transportation. From this fact, the Governor's message to the Assembly received the name of "The Green Bag Message," and became famous as such.

In this message the Governor reminded the Legislature of a resolution passed by both Houses, in 1790, that it was improper for a person holding an office under the government of the United States to be a member of the State Legislature.

A joint committee on "The Green Bag Message" reported on March 15, 1821. They abused the Governor, belittled his evidence, and repudiated the message of 1790 referred to. But Clinton's stand at that time was endorsed by the convention shortly to be convened.

The Republicans were determined upon passing a bill providing for a constitutional convention, and a bill was introduced looking to that end, which, after much changing, paring and tinkering, in order to avoid the displeasure of the Council of Revision, was finally adopted by both Houses and became a law March 13, 1821. By this law, delegates to propose alterations and amendments to the Constitution were to be elected on the third Tuesday in June following, and delegates were duly elected upon that date.

In almost every county in the State the selection was made a party question, and a large majority of those chosen belonged to the regular Republican Party, but a few Federalists and a few Clintonians were also returned.

Considering the times in which that convention was held and the work which it did, it is justly entitled to be considered one of the most important events in the political history of the world. This is said advisedly, because important and fundamental principles of government were changed by the will of the people, quietly and unostentatiously, when in any other country in the world at that time such

changes could have been brought about only by force of arms. Not only was the whole patronage of the State changed, the courts reconstructed, one branch of the law-making power abolished and the functions held and exercised by that department transferred to an individual—all by the moral force of public sentiment—but there was a liberal extension of the elective franchise.

The Constitutional Convention of 1821 was notable, not only for its acts, but also for the intelligence and character of the men who composed it. Nearly all of the delegates were Republicans of one or other wing of the party, and it is an imperishable monument to that party that the enactments of this convention were the work of Republicans.

Among the most distinguished men of the convention were the following, all of whom were members of the Republican Party: Nathan Sanford, Jacob Radcliff, William Paulding, Henry Wheaton, Ogden Edwards, and Peter Sharp, of New York; Nathan Williams, of Oneida; John Duer, of Orange; Samuel Nelson, of Cortland; Martin Van Buren, representing Otsego; Daniel D. Tompkins, of Richmond; Samuel Young of Saratoga; Jacob Sutherland, of Schoharie; Erastus Root, of Delaware, and Rufus King, of Queens County.

There were also other distinguished and high-minded men who were members of this convention, and, although this history is devoted to the present Democratic Party and to its progenitor, the old Republican Party and while these men were not Republicans, still it is a pleasure to accord them the recognition to which their patriotism, in connection with this convention, entitles them. Among these we mention: Stephen Van Rensselaer, James Kent, Ambrose Spencer, and Abram Van Vechten, of Albany County; William W. Van Ness, Elisha Williams, and J. Rutsen Van Rensselaer, from Columbia County; Peter Jay, the son of John Jay; Judge Platt, Ezekiel Bacon, of Oneida County, and General James Tallmadge and Peter R. Livingston, from Dutchess County.

The convention met at Albany on the 28th of August, 1821, and consisted of 110 delegates. Daniel D. Tompkins was elected president. The regular Republicans, or Bucktails, evidently controlled the convention, for the members of all the important committees were selected from that party. On August 30th, pursuant to a motion made by

Rufus King, a committee of thirteen members was appointed to consider and report upon the manner in which it would be most convenient to take up the business of the convention. This committee speedily handed in a report making a minute subdivision of the matters which the convention appeared disposed to take up, but the principal and all-absorbing subjects which engrossed the attention of the convention may be placed under the following heads:

First: An alteration in the Judiciary System.

Second: A change of the Appointing Power.

Third: The abolition of the Council of Revision; that is, a transfer of the Veto Power.

Fourth: An extension of the Right of Suffrage.

All of these questions elicited much discussion in the convention, particularly the extension of suffrage and the change of the appointing power, and many able and entertaining speeches were made during the session of the convention, which lasted from August 28 to November 10. Those wishing to peruse these speeches are referred to the history of that convention written by Colonel William L. Stone, one of the official reporters admitted to the convention. We give here a concise summary of the results of the work of the convention.

The Supreme Court practically embodied the whole judiciary system of the State up to 1821. It consisted of a chief justice and four associates. The members of the court acted as circuit judges. The convention deprived this court of all original jurisdiction, that is, judges of the Supreme Court were not permitted thereafter to act as circuit judges; instead, the State was divided into eight judicial districts and in each of these districts a circuit judge held court. The Supreme Court was reduced from five members to three, the judges to hold office until the age of sixty years, unless previously removed for cause. A Chancellor was appointed for the determination of all cases of equity jurisdiction. The Court of Appeals consisted of the Chancellor and the judges of the Supreme Court, sitting as a court for the correction of errors. The judges of the county courts of Common Pleas, and also justices of the peace were to be appointed by the Governor and Senate.

The Council of Appointment was abolished. Those who have read

the history of the State up to the year 1821 will have realized that this Council was one of the most gigantic political machines ever put in motion, and also that it was used not only for partisan purposes, but not infrequently to enable its members to vent their personal spite. Much of the political chaos, upheavals and disruptions of the early days of the 19th century in this State are to be attributed to the machinations of this body. In the year 1821 the Council had at its disposal 6,663 civil and 8,287 military offices, and the incumbents of these offices held their commissions subject to its pleasure. The Council could appoint and dismiss at will, and, as its political complexion was subject to frequent and sudden changes, the tenure of office of any incumbent was very uncertain. This was naturally demoralizing to the civil service, and the abolition of the Council was a highly meritorious act. Thereafter, the two Houses of the Legislature were to appoint State officers, including the Attorney-General. All the other officers, except some of the officers in cities, were to be appointed by the Governor and Senate.

The Council of Revision was also abolished. This Council was objected to because it had exercised the veto power contrary to the spirit of the Constitution and also because the members of the Council, who could nullify the will of the Legislature, were beyond the reach of the people. It was seen that this was a dangerous power to place in the hands of a Council so constituted, but it was believed that it could be safely entrusted to the Governor alone, as he was directly responsible to the people.

The legislative department was to consist of a Senate composed of thirty-two members, distributed equally over eight senatorial districts, elected for four years, one-fourth of this number going out each year; the body to be presided over by the Lieutenant-Governor, with a casting vote; and an Assembly consisting of 128 members, apportioned among the several counties according to population, said members to be elected annually.

The executive department was to consist of the Governor and Lieutenant-Governor, who should be elected every two years, and the State officers, with the exception of the Adjutant-General, chosen by joint ballot of the Senate and Assembly once in every three years. Sheriffs,

county clerks and coroners were to be elected by the people of the several counties for a term of three years.

The right of suffrage was extended to every male citizen of the age of twenty-one years, who had resided in the State one year preceding any election, and in the town or county where he offered to vote six months, provided he had paid taxes within the year, or was exempt from taxation, or had performed military duty or was a fireman; and also to every citizen who had been a resident of the State three years, and of the town or county one year, and had performed highway labor within the year or had paid an equivalent therefor. Colored citizens were not allowed to vote unless they had resided in the State three years and were possessed of a freehold of the value of \$250, over and above the debts and incumbrances thereon, and had paid a tax on that amount. Persons convicted of crime were disfranchised.

Before adjourning, the convention passed a resolution requiring the call of future conventions for the amendment of the Constitution every twenty years thereafter. They also adopted a resolution authorizing the Legislature, in the meantime, by a two-thirds vote, to submit any amendment deemed requisite to the people, to vote for its ratification.

At a special election held in September, 1822, the new Constitution was ratified and adopted by a majority of nearly 34,000 votes.

It was clearly indicated by the result of the election of members of Assembly, in 1821, and of delegates to the convention in June of that year that the candidate who should be nominated for Governor by the regular Republican Party would be elected. The most intelligent friends of Governor Clinton clearly saw this and were very frank in expressing their opinion to him, advising him to decline a renomination. He finally decided to follow their advice, and at a meeting held in Albany for that express purpose, declined a renomination. This action left the Clintonian Party without a head and it began to disintegrate, soon becoming of no more importance than the Federalist Party, which only existed in fragments here and there throughout the State, if a party can be said to so exist.

It was now a certainty that the nominee of the regular Republican

Party would be elected and many men were naturally anxious for the honor. Nathan Sanford, P. B. Porter, Henry Seymour and Erastus Root were prominently mentioned, but the contest finally settled down between Joseph C. Yates and Colonel Young. Judge Yates was ultimately nominated and elected, but not without opposition.

Seeing that the Clintonian Party would not put a candidate in the field against Judge Yates, Mr. Solomon Southwick announced himself as a candidate for Governor in the summer of 1822. Mr. Southwick was at first a business man and was connected with the *Albany Register* from 1801 to 1812. During that time he began to interest himself in politics and, by a combination of fortuitous circumstances, came to have great political influence, through which he became rich. In his palmy days he was everybody's friend and bestowed favors and money with a generosity that amounted to prodigality. He was not only a very intelligent man—he was more. He was a genius and a poet, but he lacked that capacity of keen discrimination which makes successful business men of the world. Many of those who had been recipients of his bounty were unworthy persons, and when he lost his political power they ceased not only to regard him as a friend but became his enemies. He became reckless in everything, and his gay disposition and vivid imagination led him to consider no project chimerical. Therefore, when he saw that Judge Yates was the only candidate in the field for Governor, he boldly made a bid for that honor himself. Some men of his day were disposed to ridicule him, especially after his contest for Governor, and many regarded him as a weak man; but his editorials, which appeared in the *Albany Register* from 1801 to 1812, and his poem entitled "The Pleasures of Poverty," to say nothing of other able literary productions, certainly stamp him as an unusually bright man. He received a ridiculously small vote.

Erastus Root was elected Lieutenant-Governor on the same ticket with Judge Yates, and the Republican Party carried the election for members of the Legislature with scarcely any opposition. Indeed, every member of the Senate was a Republican.

This was the first State government under the new Constitution, and, having everything their own way, any dissensions which arose

would have to come from within the Republican Party itself. Yet two years was to be its tenure of office.

Governor Yates had long been a member of the Supreme Court, and in appointing the new members of that court there can be no question but that he was anxious both for the public good and to preserve the high standard of the court. Yet the Senate rejected his first three appointees: Ambrose Spencer, Jonas Platt and John Woodworth. Subsequently, he sent to the Senate the names of John Savage, Jacob Sutherland and Samuel R. Betts. The Senate confirmed Savage and Sutherland, but refused to confirm the appointment of Betts; and Mr. Woodworth, who had been previously rejected, was finally given the third position on the bench.

On February 13, 1823, the Legislature appointed John Van Ness Yates Secretary of State; William L. Marcy, Comptroller; Simeon De Witt, Surveyor General, and Alexander M. Muir, Commissary General. De Witt was a Clintonian, but a very unobtrusive man, and, while he was appointed Surveyor General, his salary was reduced. All the appointments, which, under the new Constitution, fell within the prerogatives of the Governor, were made within the Bucktail Party.

The first Legislature under the new Constitution, while it contained several able men, did not distinguish itself for the enactment of any notable legislation; on the contrary, it made itself ridiculous by at least one piece of procedure. Mr. Morse, a member of Assembly from New York, offered a resolution declaring that the practice of addressing the Governor by the title of "Excellency" and members of the Legislature by the title of "Honorable," should be abolished and discontinued, because such practice was incompatible with a republican form of government and the principles of the Constitution.

This resolution was adopted.

The very next day General McClure from Steuben County moved to reconsider the resolution of Mr. Morse, claiming that it would be discourteous to carry it and would render State authorities ridiculous in the eyes of neighboring States. This motion to reconsider was given the greatest consideration of which the Assembly was capable, and was carried by a large majority. The Assembly one day gravely passed a resolution and the next day as gravely rescinded it.

The Bucktail Party had its first Governor in Joseph C. Yates and had complete control of the political affairs of the State during his régime, but now, like a great raft upon the political waters, it began to break apart.

During the winter of 1823 a question began to agitate the public mind which helped to disrupt the party. This question was: Who should be the successor of President Monroe? There was no disagreement in the party on any question of political policy, and the question of who should be selected as a presidential candidate was personal and not political. William H. Crawford, then Secretary of the Treasury; John Quincy Adams, Secretary of State; Henry Clay, Speaker of the House of Representatives; John C. Calhoun, Secretary of War, and General Andrew Jackson was the men prominently named as candidates for the Presidency at the next election. De Witt Clinton was a supporter of General Jackson and was the first prominent man in New York State to advocate Jackson's candidacy. A large portion of the Republican Party in New York State were in favor of John Q. Adams, and Clinton's support of Jackson no doubt antagonized them against Jackson. Besides, Adams belonged to Massachusetts and they wanted a northern man.

The leaders of the Republican Party, however, differed from many of the rank and file in their views. They wanted a southern ally for New York and believed that Virginia, which they thought would ultimately control the South, was the State with which New York should ally itself. Also, they believed that the election of Adams would lead to an amalgamation of parties, which they feared. Therefore, Martin Van Buren, General Root, Samuel Beardsley and other leading Republicans supported Mr. Crawford, who, it was well known, was strong in Virginia, Georgia and other southern States.

Crawford was at first the strongest candidate and, as has often happened since, all other candidates combined against him to break his strength. Not only were the politicians of the State divided in their choice of a presidential candidate, but the newspapers were far from being a unit. There was a newspaper war in New York City between the *New York American* and the *National Advocate* over the contest of Major M. M. Noah, editor of the latter paper, for the office of

Sheriff. This kindled a flame, and, when early in the summer of 1823 the *New York American* came out in support of Mr. Adams as the next President, Mr. Noah declared in the *National Advocate* that all persons were traitors to the Republican cause who opposed Mr. Crawford, and then there was a conflagration which reached other papers.

Although the Clintonians were not a unit in their choice for President, they were ready to unite in any scheme which would prostrate the Albany Regency and the regular Republican Party.

This state of things alarmed the leaders of the Republican Party at Albany, who had come to be known as the Albany Regency. Martin Van Buren was the leader of the Regency, and his chief associates were Benjamin F. Butler, Edwin Crosswell and William L. Marcy.

The Regency, seeing that nothing but trouble could result from the different opinions and sentiments entertained by different factions, which were fast rising, took counsel with themselves and laid a plan. The presidential electors were at that time chosen by the Legislature. The crafty Van Buren at once began to lay plans for the election of a Legislature agreeable to himself, and which would, therefore, choose presidential electors favorable to Crawford. But this was met by a counter-plan suggested by some man in Albany, whose name has not been preserved, but who should have had a monument erected to his memory. This plan was that the presidential electors should be chosen by the people, and was the inception of the present law by which electors are so chosen.

The Clintonian Party immediately declared themselves in favor of this measure; newspapers came out in support of it, led by the *New York Patriot*, and the proposition was so favorably received by the people that no candidate, however regularly nominated by his party, dared to avow his opposition to the measure. Indeed, many of the candidates were required to publicly pledge themselves to vote for the proposed law, if elected, and it is authoritatively stated that out of the candidates elected to the Legislature that year, seventy-five had actually pledged their word to vote for an electoral law.

The Republicans who were opposed to Crawford, Van Buren and the Albany Regency assumed the name of the People's Party, and in every county where they believed they had sufficient strength to elect

their candidate they made nominations of their own in opposition to the regular organization.

Thus, there were now three branches of the Republican Party, which were known as the Regency Party, the People's Party and the Clintonians.

At the fall elections of 1823, the People's Party elected quite a number of their candidates. The Regency Party, however, retained control of the Legislature, but the black clouds of a political storm were already above the horizon, and would deluge them in the coming year. The Republican Party, which, amœba-like, for two decades had been dividing itself and forming new bodies, was still continuing that process and was predestined to continue it for some years to come.

The Legislature convened on January 6, 1824, and as soon as the two houses were organized the Governor's message was delivered. In this message there were two notable features:

First—He urged upon the Legislature the wisdom of encouraging domestic manufactures by an increase of duty on foreign importations. It is a fact, worthy of notice, that the policy of protecting American industries by moderate duties on foreign importations was adopted in 1816 by the national government. At that time Daniel Webster and many representatives from the New England States were opposed to protective duties. The Democratic Governor of New York State in 1824 is found advocating an increase in the then existing duties, which were small.

Second—He evaded a direct expression of opinion regarding an electoral law and regretted that a uniform rule for choosing presidential electors was not laid down in the Constitution of the United States.

The public at large considered that the Governor's action in respect to an electoral law was only intended to throw the consideration of the matter beyond the date of the next election, and finally to leave the choice of electors as it then was—with the Legislature.

Soon after the House was organized, Henry Wheaton, who had been elected to the Assembly by the People's Party of New York, gave notice that it was his intention to introduce a bill authorizing the people to choose electors for President and Vice-President. A. C. Flagg then offered a resolution that the subject of changing the mode of choosing

the electors be referred to a committee of nine members. As a matter of course, Flagg's resolution prevailed, and a committee was appointed which subsequently reported "that the right of choosing the electors of President and Vice-President of the United States ought to be vested in the people of the State by a law to be passed at the present session of the Legislature." The report was adopted and Mr. Wheaton offered a resolution "that such election ought to be by general ticket."

Mr. Flagg proposed an amendment to add the following words: "And that a majority of all the voters shall be necessary to make a choice."

Now it had been the usage of the State to choose by plurality, and if a majority were required instead of a plurality, and as there were no less than four political parties in the State at that time, namely, the Regency Republicans, the Clintonians, the People's Party and the Federalists, the result of an election would probably be chaos, should the Legislature pass the bill. The plan proposed by Mr. Flagg was that in case no choice should be made by the people, the electors should be named by the Legislature.

The truth is that a majority of the members of the Legislature were opposed to the bill, while they professed to be favorable to an electoral law giving the people the choice of presidential electors. From a political standpoint they were making a serious error, for they were killing themselves with the very people to whom they owed office.

A bill was finally passed in the Assembly, which provided for the choice of electors by the people, if any set of candidates obtained a majority of all the votes; but in case no person had such a majority, then no election was effected, and no provision was made for a second election in any form.

When the bill reached the Senate it evoked a great deal of discussion, but that body had no intention of adopting it. After considerable delay E. P. Livingston moved a postponement of the bill until the first Monday in November, and, in a speech in support of his motion, he declared that the people had not called for an electoral law and that the clamor in favor of such a law emanated chiefly from barrooms and noisy politicians. The motion to postpone was carried by a vote of 17 to 14.

The celebrated Silas Wright first came into particular public notice during this session of the Legislature. He was a member of the Senate, and took an active part in the discussion of the electoral bill, in connection with which he was accused of disingenuousness, and apparently there was some ground for the charge.

The attitude assumed by Governor Yates toward the electoral bill was his political undoing. Some of his best friends had urged and advised him to recommend the passage of the bill; to commit himself in its favor, no matter what the Legislature might do. He declined to listen to these suggestions but, finally, taking the advice of Judge Skinner, assumed the non-committal position in his address, which has been referred to. He had been given some assurance that the Crawford Party would support him for Vice-President, and the Crawford Party in the State was in favor of leaving the choice of presidential electors with the Legislature. No sooner was his message published than he was assailed on all sides, his opponents insisting that he was opposed to the electoral law. He was the first Governor of the State who had the sole power of making political appointments; the number of office-seekers was legion, and, although he had many offices at his disposal, there naturally were many disappointments. Then, too, the Clintonian papers were untiring in their denunciations of him and, besides all this, his honesty and simplicity of character made him a mark for the wits among his enemies. A particularly sarcastic writer, using the nom de plume of "Buffalo," in the *Albany Daily Advertiser*, made him the laughing stock of the breakfast tables of Albany for some time. These articles were, at that time, ascribed to ex-Governor Clinton, but half of them were written by S. De Witt Bloodgood, and the other half by Charles A. Clinton, a son of De Witt Clinton.

The result of all these things combined was the political ruin of Governor Yates; but the party which he represented was soon to share in his disaster. There is a very old saying that "Whom the gods wish to destroy, they first make mad." The political storm clouds were rising higher in the heavens, and the legislative mariners upon the loosely constructed Bucktail raft, instead of seeking a harbor of safety, steered directly upon a formidable rock, and immediately found themselves among the breakers. That rock was De Witt Clinton. He





THE UNIVERSITY OF CHICAGO

CHAPTER VII.

Politics Without Principles—Removal of Clinton from the Canal Board—Error of Governor Yates—Clinton's Renewed Popularity—Contest for Governor—Election of Clinton—Completion of Erie Canal—Political Influence of Presidential Candidates—Course of the Albany Regency—The Anti-Masons—Re-election of Governor Clinton, 1826—The Democratic Party and Protection—1824 to 1827.

It would seem that the spirit of the masquerader walked the earth in those days, for scarcely anybody in political circles presented his true face to the world. A majority of the members of both the Assembly and Senate were strongly opposed to an electoral law, yet a majority of these two bodies were professedly in favor of such a law; hence the equivocal course pursued by the Legislature. Behold the then young and aspiring Silas Wright playing chameleon, and the Governor of the State, who had recently been the grave and solemn Chief Justice of the Supreme Court, forgetting his dignity and endeavoring to straddle a large question. The Legislature criticised the Governor for his attitude regarding the electoral law, and then proceeded to do as he suggested; but immediately faced about, and laid all the blame of the dismal consequences upon his shoulders. The different parties in the State were watching each other with cunning eyes, and the different leaders in the respective parties were each watching the others with jealous attention.

The Crawford party was strong in the Legislature, and the supporters of that gentleman for President accused the People's party of making an endeavor to coalesce with the Clintonians. This they feared, and therefore determined to antagonize these two parties.

Their plan was to dismiss De Witt Clinton from the position of Canal Commissioner. If the members of the People's party in the Legislature voted against the removal, then they identified themselves with the Clintonians, but if they voted for it the Clintonians would denounce them. The plan turned out to be a boomerang to those who concocted it.

Clinton was at that time President of the Board of Canal Commissioners, a majority of whom were his political opponents. He had always served as a commissioner without pay, although a poor man, and no charge, not even the whisper of one, had ever been heard against his conduct in office.

During the last hour of the session of the Legislature in 1824 one Bowman, an Assemblyman from Monroe County, introduced a motion for the removal of De Witt Clinton, and the disgraceful resolution was acted upon with indecent haste. The friends of the ex-Governor, and fair-minded men, who were appalled by the act, were taken unawares and at a disadvantage; yet they made what protest they could in the few minutes allowed them.

In both the Assembly and Senate nearly all the members belonging to the People's party, who were supporters of Mr. Adams, voted for the resolution, while some Crawford men voted against it, and so the confusion among the parties increased.

James Tallmadge, who had for some time been making a bid for public office and popularity, voted for the removal with a shortsightedness that amazed his friends. That vote cost him the Governorship. Had he opposed the act of removal, the whole Clintonian Party would have supported him for Governor, but by that vote he left them only one logical candidate, and that was Clinton himself. General Tallmadge was a connection of the Clinton family, and had for many years been a Clintonian; indeed, was elected to Congress as a member of that party. In the convention of 1821 he claimed affiliation with the Bucktails. Still, in the winter of 1824, he was universally the favorite candidate of the Clintonians for Governor. By his vote for the removal of his great kinsman from office he alienated himself from every Clintonian in the State of New York. Such was their resentment against him that they would more willingly have supported

Henry Wheaton for Governor, who had been fighting against Clinton most bitterly.

During all the political strife of the winter of 1824 neither Clinton nor his friends had made any move toward putting him forward as a candidate for any office; but, now that his enemies had set him high on a martyr's pedestal, all eyes saw him, and his friends became legion, and many of them very active.

The rejection of the electoral law became every day more and more unpopular, and not only the Legislature, but the people charged Governor Yates with being the prime cause of its rejection. Colonel Samuel Young had made a bid for the nomination for Governor in 1822, and his friends now put him forward again, claiming that if Yates were nominated he would certainly be beaten. So, at a Legislative caucus held on the third of April, 1824, Colonel Young was nominated for Governor, that being the last Legislative caucus ever held to choose a Governor in this State. Silas Wright and A. C. Flagg stood faithfully by Governor Yates, and insisted that if he made an error regarding the electoral law, it was in carrying out the policy of his party, and that therefore the party should not throw him over. It was immediately given out that Colonel Young had all along been a supporter of the electoral law, but the People's Party would have none of him. They believed that, if elected, he would be controlled by the Albany Regency, which, in addition to Van Buren, Marcy, Croswell and Butler, now included Benjamin Knowler, Samuel A. Talcott and Roger Skinner.

On April 7th the People's Party held a caucus, and recommended that a convention of delegates should be chosen by the friends of the electoral law, and that these delegates should meet at Utica on September 21, following, for the purpose of nominating a Governor and Lieutenant-Governor. As soon as the news of Clinton's removal began to spread, a mass meeting gathered in the Capitol at Albany. The venerable John Taylor was appointed chairman, and General John H. Wendell, an old Revolutionary soldier, secretary. At this meeting resolutions were passed denouncing the removal of Clinton, praising him for his ability, worth and works. They declared that the perpetrators of this act of violence and ingratitude were utterly unworthy

of public confidence, and justly deserving of the reprobation of an injured and insulted community. A large committee of leading men was delegated to convey to Mr. Clinton the highest regards and warmest thanks of the meeting. In New York City, where Clinton's enemies had always been most numerous, a meeting was also held, which denounced with great severity his removal.

Governor Yates became alarmed for his own political safety and standing, seeing that the formidable Clinton was again a prominent figure before the public and that his own party in the Legislature had supplanted him by nominating Samuel Young as their candidate for Governor. So, as foolish things seem to have been in order that year, he proceeded to commit a folly himself. He issued a proclamation requiring an extra session of the Legislature on the second of August, and in this proclamation he said that whereas, contrary to his anticipations, Congress had adjourned without taking any action in amending the Constitution in relation to the selection of presidential electors, and that whereas a bill had nearly unanimously passed the Assembly, giving the people the power to choose the electors, which bill had been postponed in the Senate, and that whereas the people were justly alarmed with apprehension that "their undoubted right" of choosing the electors of President and Vice-President would be withheld from them; therefore, for the purpose of enabling their representatives to carry their wishes into effect in this respect, he directed an extra meeting of the Legislature.

On August 2d the Legislature met at Albany, and there was a very full attendance. The Governor's message was a reiteration of his proclamation, and as soon as it was read the Assembly proceeded to pass resolutions censuring the Governor, and these resolutions were concurred in by the Senate. The Legislature adjourned on August 6, after a session of four days, without having passed any act of legislation, and Governor Yates was in a worse position than ever. The only thing accomplished by the extra session was that it started a movement injurious to Colonel Samuel Young and the Crawford Party.

Tallmadge, Wheaton, Burt, Ogden and Burrows were the leading men in the People's Party, and when the Utica Convention, already

referred to, met on September 21, the contest over the nomination for Governor was between General Tallmadge and De Witt Clinton. On the second day of the convention Clinton received the nomination by a large majority, and James Tallmadge was unanimously named for Lieutenant-Governor.

As soon as the convention declared for De Witt Clinton the New York delegation and most of the delegates who belonged to the People's Party seceded in a body from the convention and formed another meeting; but a short deliberation convinced them of the folly of bolting a convention which had been called through the sentiment in favor of an electoral law and therefore popular with the people. They did nothing but publish a protest against the nomination of Clinton, and disbanded.

The result of the election in November was a landslide in favor of Clinton and Tallmadge. Clinton was elected over Colonel Young by a majority of 16,906 votes, while Tallmadge, for Lieutenant-Governor, received a majority over General Root of 32,409.

Strange to say, while Clinton was elected by this majority, which at that day was a handsome one, he was not popular with public men, and the Legislature, before adjourning in the fall of 1824, took steps to interfere with his patronage when he should come into power on January 1st following. They did this by passing an act which practically exists to-day, and which was couched in the following terms: "All civil officers who now are or hereafter shall be duly commissioned, and shall have taken upon themselves the duties of their respective offices, shall continue to execute the duties of their respective offices, notwithstanding the expiration of the time for which they shall have been appointed, until successors to such offices respectively shall be duly commissioned, and shall take upon themselves the duties of such offices respectively."

This act was brought about by the Albany Regency, although a majority of the Legislature were opposed to the Regency. The Regency was enabled to do this because, while the Legislature was against them, a majority of the members of both Houses were opposed to De Witt Clinton, and were desirous of restricting his power and patronage.

They also did another thing at this session which is worthy of note because of its unworthiness. They knew that there must soon be a revision of the statutes of the State in order to adapt the statutes to the new Constitution, which was the result of the convention of 1821. Up to the present they could never find time to attend to this important matter, but now, not wishing to leave the appointment of the revisors of the statutes to their successors, they passed a law appointing James Kent, Erastus Root and Benjamin F. Butler revisors of the laws of New York, for which each of these gentlemen was to be paid \$1,000.

There were political microbes of a pernicious character in the air in those days, and General Erastus Root was one of the men who developed political rabies of the worst type. During the November session of the Legislature a committee was appointed, with General Root as chairman, to nominate the presidential electors. General Root directed that, in calling the roll the names of members who had joined in recommending the Utica Convention should be omitted, with the result that he precipitated so much disorder in the meeting that it dissolved in confusion.

On November 10, however, the Senate nominated electors in that part of the Legislature. The Crawford ticket was nominated by a vote of 17, Mr. Adams and Mr. Clay each receiving 7. The Assembly finally nominated a ticket composed of electors, part of whom were for Adams and part for Clay. Upon a joint ballot four Crawford men were chosen. Had these four delegates been for Clay, instead of for Crawford, it is probable that Clay would have been the next President.

During this celebrated November session a complaint was made that the passage of the bill for the chartering of the Chemical Bank of New York had been obtained by corrupt means, and an investigating committee was appointed to look into the matter. The evidence given before that committee exhibited the startling fact that quite a number of the members of the Legislature degraded themselves by accepting bribes. This corruption was not confined to individuals of one party, but extended to all parties. Members of the Legislature seemed to consider only their own private gain, and this doubtless is

one reason why parties were so unstable in that day. One witness before the investigating committee testified that he heard a Senator say : "I am a Crawford man to-day, but unless the Chemical Bank passes I shall be a People's man to-morrow."

Clinton, as has been stated, was in favor of General Jackson for the Presidency, while the People's Party was for Adams, and not only was this party opposed to Clinton, but many of its members had a personal aversion to him. Senators Ogden and Burrows, who were leading members of the party, were particularly hostile to the Governor. The wisest friends of Governor Clinton sought to bridge over chasms, and urged upon him the wisdom of making an endeavor to gain the confidence of the leaders of the People's Party, and, by a coalition with them, destroy the ascendancy of the Albany Regency. But the Governor received this advice with cold indifference.

General Tallmadge, then Lieutenant-Governor, who, like General Root, was afflicted with political rabies, became very active against the Governor as soon as each assumed his office. General Tallmadge was never considered a monopolist of that commodity known as intelligence, and his 32,000 votes led him to believe that he was a much more popular man than Clinton, and that he should have been Governor. He did not know that 32,000 votes are often but 32,000 snow-flakes in an April sun. The burden of all his conversation was the errors and faults of Clinton, and, when his hearers wearied of his story, he regaled them with accounts of how he was haunted by a ghost called Federalism. He feared Federalism would regain its old-time strength ; he feared Clinton would join issues with the Federalists, and by his conduct and conversation helped to disrupt the party and add to the general confusion.

It seems to have been the fate of the great statesman and high-minded man, De Witt Clinton, to work out his destiny surrounded by enemies, calumniators and political hucksters. In his message to the Legislature in January, 1825, he recommended an amendment to the Constitution by an extension of the suffrage so as to make it universal, and to have Justices of the Peace elected by the people of their respective towns. He referred to a recent decision of the Supreme Court of

the United States on a question affecting the rights of individual States, and urged that an amendment of the Constitution of the United States ought to be made, conferring on the national Senate the jurisdiction claimed by the Supreme Court over questions affecting the rights of the States in their corporate capacity.

During the session of the Legislature in the winter of 1825 the Senate prevented any election of a Senator of the United States. The Assembly nominated Ambrose Spencer, but the Senate nominated so many candidates that no one could be elected, and the Legislature adjourned without electing any one.

The result of the presidential election which had caused so much political trouble in the State of New York was that of Andrew Jackson received 99 votes; John Quincy Adams, 84; William H. Crawford, 41, and Henry Clay, 37. No candidate having a majority of the electoral vote, the House of Representatives elected Adams.

One of the first acts of President Adams after his election, and before his inauguration, was to tender Governor Clinton the appointment of American Minister to Great Britain. Many of Governor Clinton's best friends advised him to accept this appointment, but he declined to do so, and Rufus King was afterward made Minister to the Court of St. James. De Witt Clinton seems to have preferred to be Governor of New York rather than to hold any political position below that of President of the United States.

The construction of the Erie Canal was begun at Rome, July 14, 1817, and De Witt Clinton turned the first sod upon that day. Eight years and four months had been occupied in the construction of the canal, and its completion was celebrated in the fall of 1825 by a remarkable and historical pageant. On October 26 the first flotilla of canal boats left Buffalo for the city of New York. Principal among the vessels composing the flotilla were the "Seneca Chief" and "Young Lion of the West." The pageant was saluted at many points along the route; the discharge of cannon commencing at Buffalo continued along the whole line from Lake Erie to the Hudson River. When the pageant arrived at Albany on November 2d, it was greeted by a large assembly of people. Both civic and military processions were formed; the Governor and his travelling companions were escorted to the Capi-

tol, and interesting services commemorative of the completion of the canal were held. Philip Hone, the Mayor of New York, made a speech congratulating De Witt Clinton and his friends of the canal on the successful completion of the great waterway, and, in the name of his city, invited the corporation of Albany to accompany the voyagers down to the ocean.

The years 1825 and 1826 saw almost every man in public life subserving every patriotic principle to his desire to play politics. A statesman works for his country's good; a politician cares for nothing but the temporary success of his party and his own private ends. Clinton was the only notable statesman in those days in State affairs. Van Buren was at that time, and mostly, so taken up with national affairs that he cannot be considered merely in connection with State politics, although he was really the head of the Albany Regency. Young, Root, Allen and Beardsley were the strongest men of the regular Democratic Party. Theodore Sill, Aaron Vanderpoel, Samuel S. Lush and Francis Granger were the most notable Clintonians of the day. Mr. Granger was first elected to the Assembly in 1825, and, like Silas Wright, was in those unsettled days but a young man.

As early as 1826, Van Buren and other leading men of the Crawford Party at Washington had come to the conclusion that they would support Andrew Jackson for the next President, in opposition to John Quincy Adams. Jackson had received the largest popular vote in 1824, and had also received the largest vote in the Electoral College, although he had not received a majority of the electoral votes. It was doubtless this consideration which led Van Buren to change his allegiance from Crawford to Jackson. There is no doubt that Jackson's war record made him popular with the masses.

Having decided to support Jackson, Van Buren began cultivating a good understanding with Governor Clinton, and suggestions were made that, if the Democratic Party in the State would assent to it, no opposition candidate would be supported against Clinton at the next gubernatorial election. Mr. Benjamin Knowler was the agent for the Albany Regency in bearing the olive branch to Clinton, but, although he could speak for the Regency, he could not for the Democratic Party at large. Nor could Clinton guarantee that the Clintonians would

support Jackson, although he was a strong supporter of that candidate himself.

Before the adjournment of the Legislature, each party held legislative caucuses, not to select a Governor, as had been usual heretofore, but to recommend a State convention which should nominate a Governor. The Clintonians decided to hold their convention at Utica on the twenty-first of September; the Democratic Party decided to hold theirs at Herkimer on the first Wednesday in October. This was the first time the Democratic Party in the Legislature had ever yielded to delegates the right or power to nominate a Governor. The Clintonian convention met at Utica and renominated De Witt Clinton for Governor. Some difficulty was experienced in the selection of a candidate for Lieutenant-Governor. James Tallmadge had alienated himself from the Clintonians by his persistent abuse of the Governor during the past two years, and the anti-Clintonians were too wise to cumber themselves with him. Henry Huntington, of Oneida County, president of the Bank of Utica, was finally nominated for second place on the ticket.

The Democratic convention met at Herkimer on the fourth of October and nominated Judge William B. Rochester for Governor, and Nathaniel Pitcher for Lieutenant-Governor. Clinton and his party seemed to have expected no contest, owing to the representations made to them by the Albany Regency, and there is no doubt that Van Buren and his immediate friends were sincere in their overtures, but the bulk of the Democratic Party were determined, if possible, to elect candidates of their own, and once these nominations were made the Regency threw all its strength to their support. Judge Rochester was a warm supporter of the administration of President Adams, and was the personal and political friend of Henry Clay. A large fraction of the Clintonians were also friendly to Mr. Adams, and General Peter B. Porter and other politicians made a strong appeal to them to support Mr. Rochester on the presidential question, urging that Clinton, being an avowed Jackson man, would be fatal to the prospects of Mr. Adams in this State, whereas the election of Judge Rochester would insure the success of the Adams Party.

: Again, Judge Rochester was a western man, and the people of the

western part of the State were ambitious to elect a Governor from among themselves.

Van Buren and his friends found themselves in a peculiar position at this time. They had invested all their political capital in the Jackson boom, yet the Democratic Party, which they were bound to support, was endeavoring to elect Judge Rochester, who was openly opposed to Jackson. The result of this peculiar condition of affairs was that not a few leading men and even newspapers divided their allegiance and supported Clinton and Pitcher.

Then another factor came in which widened the breach. For some time a project had been on foot to build a State road through the southern tier of counties. Governor Clinton, with his great desire for public improvements, was a strong supporter of this enterprise, and in the southern counties many of the Democrats voted for him instead of for Rochester.

The result of the election was that Clinton received a majority of 3,650 votes over Judge Rochester, and Pitcher received 4,188 over Huntington. In the Legislature, however, the Democratic Party obtained a complete and decisive victory.

While the Clintonian Democrats and the regular Democrats were contending for supremacy in the year 1826, another party, destined to be ephemeral, sprang into existence, but not from any political cause. The party referred to was known as the Anti-Masonic Party, and its members as Anti-Masons.

The Society of Free Masons has existed so long and is so well known in every community that no particular explanation need be made regarding it here, more than to say that it has always been popularly understood that a Mason pledges himself not to reveal the secrets of the order under a penalty of the forfeiture of his life. This law of a society would shock the mind to-day, but it is not improbable that it may have been rigidly adhered to even into the beginning of the 19th century. Countless men have forfeited their lives for religious faith, and not a few for their lack of it, and a man is as likely to be a fanatic on one subject as another.

William Morgan, a Free Mason, a printer, and a native of Virginia, settled in Batavia, Genesee County, N. Y. His business not proving

successful, he conceived the idea of making money by publishing the secrets of the Masonic fraternity. His intention was discovered by some of his fellow Masons, and it soon became generally known throughout the lodges of the State. On September 11, 1826, Mr. Cheeseborough, the Master of the Masonic Lodge at Canandaigua, Ontario County, N. Y., procured from Jeffry Chipman, a Justice of the Peace, a warrant to arrest Morgan on the charge of stealing a shirt and necktie. Morgan was arrested and brought before Justice Chipman, who promptly discharged him, seeing that the charge was a trumped-up one. He was immediately rearrested for a small debt, and the justice returned judgment against him for \$2.00, upon which an execution was instantly issued against Morgan, who was committed to close confinement in the jail at Canandaigua. During the night of September 12th he was quietly taken from the jail by a number of persons, thrown into a carriage, and taken to the Canada side of the Niagara River on September 14th. He was then taken back to the American side and confined in the magazine of Fort Niagara. He is known to have remained in Fort Niagara, under charge of Colonel King and Elisha Adams, until September 29th, when he disappeared and was never afterwards heard of. It was always believed that the Masons killed him under the authority of his own oath of secrecy.

The public at large believing that Morgan had been murdered, a tremendous excitement was created, and a strong antipathy to the Masons developed. Then, as now, a great many public men were members of the Masonic Order. Governor Clinton himself was, in 1826, High Priest of the General Grand Chapter of the United States, and undoubtedly this circumstance deprived him of many votes in the western part of the State at the election that fall. Judge Rochester also was a Mason, but during the excitement over the alleged murder it was charged that Governor Clinton, as Grand Master, had commanded that Morgan's book be suppressed, by any means, and at all hazards. Of this, however, there never was the slightest proof, but out of the excitement there remained a settled opposition to Masons throughout the State, and the Anti-Masons organized themselves into a party.

The year 1826 was one of great commercial depression in New York State, owing to the improvident use of paper money, to which

the country had not yet become accustomed, and to the erratic course of the banks, which would make large issues and then suddenly contract credit. This circumstance is referred to principally because paper money seems to have caused trouble in many parts of the Union in the early days of the 19th century.

Martin Van Buren was re-elected to the United States Senate in the winter of 1827, and in his letter of acceptance addressed to the Legislature on February 28th of that year, he said: "I do assure the Senate that I am deeply sensible of the honor which has been conferred upon me; and to justify their confidence it shall be my constant and zealous endeavor to protect the *remaining rights* reserved to the States by the Federal Constitution; *to restore those of which they have been divested by construction*, and to promote the interests and honor of our common country."

This extract from Van Buren's letter is reproduced to show how zealous the statesmen of New York were of States' Rights in that day, and how jealously they guarded them, for the Adams administration never made any move toward interfering with States' Rights. Van Buren was too sensible a man to write buncombe to a State Legislature, so it must be concluded that the subject was a very important one in the eyes of all Democrats at that time.

Many writers of that day had a great deal to say about the general government, and politicians appear to have entertained a strong belief that unless the State of New York constantly stood on guard the national government would snatch away all that the State possessed. Any fair-minded man will admit that there has never been any good ground for this belief since the days of Alexander Hamilton.

During the winter session of 1827, and indeed for some time previous to that, there was much talk and some attempted legislation relative to building a State road through the southern tier of counties, and the construction of the Genesee Valley, Crooked Lake, Black River and Chenango canals, but no legislative act was carried through. Governor Clinton had been so successful with the Erie and Champlain canals that he had become an enthusiast on the subject of internal improvements. He favored these projects, as did the people in the sections of the State where the improvements were contemplated, but

there was a canal debt unpaid, and the majority of the people were reluctant to incur a heavier burden.

Another presidential election was drawing near, and New York State took a keen interest in the selection of a candidate. The Albany Regency reflected the ideas of Van Buren, and Van Buren was non-committal for a long time, so far as the people knew. The non-committal policy may be said to have been his political doctrine at that time. But he had the Democratic Party in this State trained like a regular army, and when he gave a command he marched to victory. Even the Democratic newspapers of that day are said to have taken their cue from him and to have watched for his signals before declaring themselves. There is no doubt but that Van Buren was for Jackson long before any authoritative assurance was given to that effect.

Between the quiet, scholarly Adams and the spectacular Jackson there could be no question as to which would be the greater public favorite. The hero of New Orleans, the chivalric duelist, was the public idol. When two candidates have courted public approval, one bearing a sword and one a pen, it has never yet been demonstrated that the pen has been mightier than the sword. We have seen this in our own day. The gifted Governor Black was set aside to make way for the man fresh from San Juan Hill, when the Republican Party saw disaster ahead in the fall of 1898. So, in that day, it was in vain that the friends of Mr. Adams represented him as an accomplished writer, a learned constitutional lawyer, an experienced diplomat and a profound statesman; Jackson had defeated the British at New Orleans, and there was nothing more to be said.

Upon the near approach of the general election in November the Albany Regency deemed it necessary to make a development of the views of the Democratic Party in respect to the next candidate for the Presidency. A meeting of the general committee was held at Tammany Hall on February 26, where resolutions were passed laudatory of General Jackson and endorsing him for President. Immediately afterwards all the political machinery which Van Buren had been perfecting and oiling for the last two years was put in motion, and it worked to perfection. The result of the election was a complete tri-

umph for the Jackson Party in both the Assembly and Senate of this State.

Reference has already been made to the disposition of the Democratic Party to favor a moderate duty on certain articles for the protection of infant industries, planting and wool growing. From a party standpoint this doctrine had always met with favor throughout the country, yet in the middle of the century the Democratic Party allowed the Republican Party to take this popular principle and gain great strength thereby. The Republicans have carried this doctrine to its extreme, while the Democratic Party for the last fifteen years has advocated a moderate tariff.

On July 17, 1827, a State convention was held at Albany and was attended by delegates from several of the counties in the State. That convention asserted, unequivocally, the power and duty of Congress to pass laws for the protection of home manufactures, and to encourage wool growing. Because of the attitude of the two great political parties to-day on this question, some of the resolutions passed by that convention are here quoted to show the position which many of the leading men of the Democratic Party of that day maintained toward protection.

“Resolved, That the laws of Congress have, from the first, assumed the principle that revenue is so to be levied as shall most encourage or least impede the various branches of commerce and of internal industry; that this principle may be, and ought to be, carried out to a more full and extended application; and that to enact laws in disregard of these interests would be an undue exercise of power.

“Resolved, That the laws of the United States, which have tended to protect our interests of navigation, manufactures and planting, against the exclusions, monopolies, regulations and bounties of other nations, have been the main source of whatever prosperity this country has enjoyed.

“Resolved, That inasmuch as the staple agricultural products of the South, to wit, cotton, tobacco and rice, are admitted into the ports of Europe without competition in their production, in that part of the world; and while both competition and prohibitory laws operate to exclude from an European market the breadstuffs, provisions and

manufactures of the northern, middle and western States, we deem it unkind in our Southern brethren to oppose the passage of laws which are calculated to create a home market for our agricultural productions, and to promote our national wealth and prosperity."

CHAPTER VIII.

Life of De Witt Clinton.

WE have now arrived at the year 1828, and De Witt Clinton's death occurred so early in that year that this is a fitting place to give a sketch of his valuable and busy life. He died suddenly on February 11, 1828, at the comparatively early age of fifty-nine, having been in his usual health up to the moment of his demise. He had been subject to no unusual excitement during the day, and was sitting quietly conversing with two of his sons when he suddenly fell forward and never breathed again.

De Witt Clinton was the son of General James and Mary (De Witt) Clinton, and was born in Little Britain, New Windsor, Orange County, N. Y., March 2d, 1769. His paternal ancestors were English, while on his mother's side he was of Dutch and French extraction. He is said to have been distantly related to the colonial Governor George Clinton. His education was begun in a grammar school near home, and completed in Columbia College, from which he was graduated with honor in 1786, at the early age of seventeen. After graduating he took up the study of law in the office of Samuel Jones, of New York, and was admitted to the Bar in 1788.

While pursuing his studies he had become private secretary to his uncle, George Clinton, during the heat of the debate on the adoption of the Federal Constitution. Although but a young man at that time, he sided with his uncle, the Governor, in that controversy, and contributed able articles to the newspapers in opposition to those who advocated the adoption of the Constitution. So ably did he maintain the principles of the Anti-Federalists that he came to be considered the leading champion of that party. About this time he was appointed one of the secretaries of the newly organized Board of Regents of the





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establish themselves in business. He was at that time a director in the Manhattan Bank, and paper with his name upon it was sure to be accepted by the bank. He was anxious to patronize young men, and, being liberal to a fault, he lent both his influence and his name to all young Democrats in whom he had confidence. All of these were not worthy of confidence; there were many failures, and to discharge liabilities thus incurred Clinton was obliged to create large debts, which embarrassed and harassed him during his life. Nor was this the worst; the very men whom he had sought to aid united in a most vindictive political war against him, and to these later on was added the host of disappointed office-seekers, to whom he, of necessity, had to refuse appointments during his public career.

Notwithstanding his political vicissitudes, his ups and downs, he finally came to be regarded as the foremost candidate of the Democratic Party of the State for the Presidency, but he came to the front for this honor at a most unfortunate time. He hesitated to approve the commercial restrictions adopted by Jefferson. He questioned the wisdom of Madison's course immediately previous to the declaration of war against Great Britain. His opponents imputed his hesitation and reserve to sympathy with the Federalists, and many of his old Democratic friends dropped away from him, and their places were filled by Federalists. His aspirations to the Presidency had long been known, and, even in the face of the unpopularity acquired by his opposition to both Jefferson and Madison, he decided that it was time his presidential ambitions were realized. Madison, however, received the nomination at Washington, and Clinton was nominated by the Democratic members of the State Legislature. Madison received 128 and Clinton 89 electoral votes.

The Democratic Party now deserted him, and in 1814 displaced him from the office of Lieutenant-Governor, leaving him only the mayoralty of New York. He had attempted to gain the Presidency, not to overthrow the Democratic Party, but to re-establish it on a better footing; not to favor the public enemy, but to push the war against him with greater vigor. His party, however, did not understand him, nor did they extend to him any charitable consideration, but absolutely disowned him, and his fall seemed irretrievable.

However, his great personal force soon began to tell in his favor. He associated with citizens engaged in work for the improvement of education, the encouragement of agriculture, arts and manufactures, and the advancement of religion. He aided them by pen, speech, purse and influence. He was always firm, dignified and intelligent; the guardian of public health, the avenger of crime, the advocate of civil and religious liberty, and the patron of knowledge and virtue. He arrested the public prejudice against himself. This he did by his loyalty, great liberality, and by his efficiency as Mayor and legislator in securing means of public defense, providing loans to the government, voting supplies of materials and men, and soliciting the military command to which his courage, talent and influence entitled him.

He early supported the canal policy, and ably showed the benefits which would result therefrom to the country; in fact, he was the first prominent man in New York State to advocate our canal system. In 1812 he was sent by the Legislature to Washington to solicit its patronage of the canal policy as a national measure. He was unsuccessful. The occurrence of the War of 1812 put the subject to rest for the time being.

Although the tide of popular favor had fallen away from him and left him destitute of power and influence, he still stood forth a solitary figure, attracting the greatest admiration and interest. His opponents worked zealously against him, and in January, 1815, he was removed from the mayoralty of New York by the Council of Appointment, in the interests of the Democratic Party, so they asserted. He quietly retired, and in the fall of the same year prepared a paper in favor of the immediate construction of the Erie and Champlain canals. This paper, which was most vigorous and comprehensive, was in the form of a memorial to the Legislature of the State. The city adopted the memorial, as did the citizens of the interior of the State. Other States and Territories also approved, and the policy was from that moment certain of success. It was hindered, however, by the malice of his enemies, who affected to consider it merely the resort of a ruined politician, impracticable and absurd. For over a hundred years enlightened statesmen had commended the policy, and before the war the State itself had recommended the whole enterprise to the adoption of the Federal

government. This opposition put Clinton in the light of the inventor of the system, whose prospective benefits were already triumphantly demonstrated. He appeared at Albany at the assembling of the Legislature to commend it. The Legislature appointed him one of the commissioners to make the necessary surveys and estimates, solicit grants and donations, and report at the next session.

A vacancy was now about to occur in the office of Governor by the transfer of Governor Tompkins to the Vice-Presidency. Spontaneous demonstrations presented Clinton before the public as a candidate, and in 1816 he was elected Governor, practically by the unanimous voice of the people. In 1819 he was re-elected by a small majority over Daniel D. Tompkins. Clinton's enemies availed themselves of just complaints against the Constitution to move the call of a convention for its amendment. The measure was very popular. Clinton advocated the convention in his message to the Legislature, but voted against it in the Council of Revision because his opinion was that the people should first declare that such a convention should be held, and that then the Legislature should provide for holding it.

His enemies, always eager to assail him upon the slightest pretext, identified him with the opposition to the convention, but it was finally held in 1821. It diminished the powers of the executive and judiciary and enlarged the right of suffrage, while it adopted Clinton's canal policy. By 1822 he had again become unpopular, and wisely decided not to be a candidate for re-election. Joseph C. Yates was elected Governor, while Clinton's party was weak in the Legislature. The Legislature abused its triumph by removing Clinton without cause from the office of canal commissioner, where he was serving without compensation. This act awakened widespread indignation, because of its malice and injustice, and the result was that he was borne back into the office of Governor in the fall of 1824.

Although that part of the Democratic Party which favored Clinton bore his name, and its members were known as Clintonians, this party supported John Quincy Adams as a candidate for President, while he favored Andrew Jackson. The result was that he was barely re-elected in 1826, while the Legislature was opposed to him.

De Witt Clinton had the good fortune to mature the system of

finance which enabled the State to begin and carry out his system of internal improvement, and to break with his own hand the ground at the beginning of the construction of the Erie Canal on July 4, 1817. He was the greatest figure in the pageant in the fall of 1825, when he was borne on the artificial river which he was credited with having constructed, connecting Lake Erie with the bay of New York. With the beginning of that great work the population became greatly augmented or increased in the State, and prosperity became universal. He inaugurated the construction of branches of the canal by which it was finally connected with the interior lakes, Lake Ontario and the Alleghany and St. Lawrence Rivers. Indeed, he may be said to have laid the foundation of New York's commercial, if not political, greatness by his system of internal improvements and his general patronage of industry. His advice, which was now everywhere sought, hastened the opening of canals in New Jersey, Pennsylvania, Ohio, Indiana and Illinois, which, in connection with those in New York and with natural channels, constitute a system equal to the internal commerce of an empire.

When he died in 1828 his enemies, and even his lukewarm friends, claimed that his death occurred at an opportune time for his fame; but no act of his would ever have diminished it with posterity, however much his future course might have affected the unstable political masses of his day. His death was mourned with national pomp. His memory is cherished with that homage which is ever due to the benefactor of mankind. He failed to secure the Presidency, but at the time of his death he held the only other office for which he ever seemed to have any particular ambition. He lived long enough to witness the beneficent results of his labor and the triumphant success of his great plan for the advancement of the State.

When the news of his death reached Washington the members of Congress from New York State at once held a meeting, regardless of party distinctions, and adopted resolutions expressive of their esteem for his character and appreciation of his public services. On that occasion Martin Van Buren, who had almost always been opposed to Clinton, delivered an eloquent address, part of which was as follows:

"The triumph of his talents and patriotism cannot fail to become

monuments of high and enduring fame. We cannot, indeed, but remember, that in our public career, collisions of opinion and action, at once extensive, earnest and enduring, have arisen between the deceased and many of us. For myself, sir, it gives me a deep-felt, though melancholy satisfaction, to know, and more so, to be conscious, that the deceased also felt and acknowledged that our political differences have been wholly free from that most venomous and corroding of all poisons, personal hatred.

"But in other respects it is now immaterial what was the character of those collisions. They have been turned to nothing, and less than nothing, by the event we deplore, and I doubt not that we will, with one voice and one heart, yield to his memory the well deserved tribute of our respect for his name, and our warmest gratitude for his great and signal services. For myself, sir, so strong, so sincere, and so engrossing is that feeling, that I, who whilst living, never, no, never, envied him anything, now that he has fallen, am greatly tempted to envy him his grave with its honors."

The political successes and reverses of De Witt Clinton, his ups and downs his defeats followed by victories, succeeded again by retreats, lead the student of history to conclude that either he was unstable, or the times in which he lived were erratic. Of course, in the early days of the 19th century the country was growing, conditions of life were changing, and with them the minds of men were also experiencing variations; but the cause of Clinton's checkered political career cannot be laid to any weakness or instability of character in himself. He was a man of commanding figure and intellectual features, while his manners were dignified and at times severe. He combined vigor, versatility and comprehensiveness of mind with untiring perseverance in the exercise of a lofty and unconcealed ambition. Personally, he was unpopular, but his public acts, with the possible exception of his attitude previous to the war of 1812, always commanded public approval. His overmastering presence and severity of manner in public life were not calculated to attach his friends to him very closely, and yet it would seem that he expected his friends to believe exactly as he believed and to bind themselves implicitly to his doctrines. So sincerely did he believe that all his friends should see things as he

saw them, that he was inclined to consider those who differed from him either as weak-minded or insincere. It is highly probable that during his secretaryship to Governor George Clinton, so many favors were sought through him that he came to have too large an opinion of his own importance. He was at that time quite a young man, and this effect would be produced upon him at that age, when, had he had the same experience in riper years, his character and manners would not have been injured by the experience. The influence and power which he wielded under Governor Clinton, and which he had done nothing to acquire, but which were thrust upon him, may have given him the false impression that all this came to him through merit, and that impression, created in his youth, was never eradicated from his mind. Hence he retained through life that princely bearing and dominant demeanor which made him obnoxious to so many Democrats. But with all, he was really kind at heart, his private life was exemplary and throughout his whole political career he never stooped to a little or dishonest act.

His life was given up to politics, yet he was no politician. By his political opponents he was perpetually accused of intrigue, yet from experience he did not know the meaning of the word. Not only was this charge untrue, but he was absolutely defective not only in intrigue, but in that address which is necessary for every man who expects to make a figure in public life. He believed in himself, and he thought that everybody else must. So, when he made up his mind to attain a certain end, he simply made the announcement, and expected that all his friends, and indeed the public at large, would flock to his support. Therefore, he never considered it necessary to lay any plans, to manage any political machine, or to provide ways and means for accomplishing his end. He never played politics; he never practiced politics; as has been said, he was no politician.

But as a statesman he was pre-eminent; yet that greatness was never apparent as it should have been, because, although his ends were always worthy and elevated, he always failed to provide means for the accomplishment of those ends. His views were generally original, and were stated in a politic and fearless manner. His forecasts were most remarkable. He early discovered and attempted to remedy the

defects in the organization of the general government with respect to the election of President. He was among the first to point out the danger which might grow out of a collision between the States and the judiciary power of the nation. He discovered and warned the people against the evils growing out of over-issues of banks, in advance almost, if not quite, of any other man. To him belongs the credit of recommending a very large number of great and important measures which have been adopted by the Legislature of this State, because he was the first who took the responsibility of recommending these measures. He was the only public man of his day in the State of whom it can be said without qualification that he worked solely for the good of the State, and that parties and persons were secondary considerations with him, compared to the great issue of the public weal.

He lived in a corrupt political age, yet he was thoroughly honest himself; still, he looked with too much leniency on corruption in others, doubtless because he saw so much of it; but to the unscrupulous politician he never gave his confidence. Had he been a man of pliant politics, even a little hypocritical, not to say diplomatic, he would doubtless have avoided much of his political troubles; but he pursued the straight path with a highmindedness that was too lofty for the men of his day.

Jabez D. Hammond, who was his political and personal friend, gives an incident which illustrates pretty well Clinton's lack of personal magnetism and his inability to make friends. He records that a man from the interior of the State had a son convicted of felony during the régime of Governor Tompkins. Tompkins was a suave man of smooth address, whose strong play in politics was to make a friend of every man he met. The farmer called upon him twice to beg a pardon for his son, and twice Governor Tompkins refused him. When Clinton became Governor the father called upon him with the same request. Clinton not only pardoned his son, but invited the father to dine with him. It is said that Clinton made great efforts to entertain the old gentleman at breakfast, but after going away the father of the pardoned son said: "The Governor asked me to breakfast and promptly pardoned my son. I have seen Governor Tompkins twice,

and at each time he positively refused to grant me the favor I desired; yet I like Governor Tompkins better than I can like Governor Clinton."

This incident reveals much to the modern reader. Conditions in Clinton's day were vastly different from what they are now. The masses were not educated in that day as in this, and an ignorant man is usually inclined to do one of two things; he will either fawn upon his superior or throw a bomb at him. If his superior pats him, he fawns; if he meets with austerity, he wants to kill; so we have the sycophant and the anarchist. Clinton would not relax; he could not make a joke; he was witty, but not humorous, yet his wit was sarcasm. Moreover, a mastiff cannot play with a poodle, nor could his cultured, aspiring mind comport itself to the topics of the ignorant. A man may delight to catch fish yet abhor the fish house; a politician may be greedy for votes yet detest the smell of overalls.

De Witt Clinton was a States' Rights man and a strict-constructionist of the strictest type, and, although his political faith was assailed by every party of his day, not excepting the Clintonians, he was a Democrat of the purest strain. The least indication of encroachment by the national government upon the State government was viewed by him with alarm and resisted with spirit. Of the great men in America who were jealous of the national government, and who were for confining its actions exclusively to the powers expressly granted, De Witt Clinton was the most zealous. Jefferson may have theorized, but Clinton *felt* in favor of States' Rights. He was also a sincere friend to the equal rights, prosperity and happiness of the mass of men; yet unfortunately possessed of habits of thinking for himself and a deportment which rendered him unacceptable to them.

De Witt Clinton was not only fond of literature, but was possessed of fine literary tastes and abilities himself. He published "Discourse Before the New York Historical Society" (1812); "Speeches to the Legislature" (1823); "Memoir on the Antiquities of Western New York" (1822), and several literary and historical addresses.

While yet young Mr. Clinton married Maria Franklin, who brought him a liberal fortune, and who died in 1818. In the following year he married Catharine Jones, who survived him.

Clinton died a poor man, and four of his children, two sons and

two daughters, were minors. With a view to making some provision for these children a committee of the Assembly was appointed to consider the matter. The committee reported a bill authorizing the payment to those children of the salary of a canal commissioner during the time the late Governor had served as a member of the Canal Board without pay, and one year's salary as Governor of the State. Strange as it may seem, the bill was opposed by some members, and especially by Erastus Root and Assemblyman Mann, of Herkimer County, who exhibited much bitterness and animosity in their opposition, to their lasting discredit. General Porter declared that he could not vote for so large a sum, and a compromise was finally effected and carried by a vote of 88 to 25 in the Assembly, granting the minors the sum of \$10,000. The bill was approved by the Senate.

CHAPTER IX.

Activity of Anti-Masons—Legislative Action Favoring Protection—The Albany Convention—The Herkimer Convention—Martin Van Buren Elected Governor—His Message to the Legislature—Resignation of Governor Van Buren—Enos T. Throop Becomes Governor—Inauguration of the Spoils System—Prohibition of Bank Notes Under Five Dollars—The Workingmen's Party.

UPON the death of Governor Clinton, General Pitcher, Lieutenant-Governor, became acting Governor, and Peter R. Livingston, who had been president of the Senate, became Lieutenant-Governor.

Nathaniel Pitcher was an uneducated man, and had spent his life, before engaging in active politics, on a farm in Washington County. He had already had the experience of several terms in the Legislature of the State, and of one term in the United States Congress. Having risen from among the masses, and possessing no element of aristocracy, he naturally had a large support among the rank and file of the people, but he was scarcely able to cope with the wily and not too scrupulous politicians with whom he had to deal primarily.

One of his first acts was to recommend to the Legislature that provision be made by law for the appointment of a public prosecutor to avenge the murder of William Morgan. The Legislature acted upon his advice, a law was passed, and Daniel Mosley, of Onondaga County, was appointed to the office so created. During the winter session of the Legislature in 1828 Assemblyman Wardwell, from Jefferson County, introduced into the Assembly resolutions favoring protection. These resolutions passed both houses unanimously, and were forwarded to the members representing this State at Washington.

Before the adjournment of the Legislature a Jackson caucus was

re-election. He had made no mistakes, political or otherwise, while acting as Governor, and it would seem had just claims upon his party. However, Judge E. T. Throop was nominated as Lieutenant-Governor on the ticket with Van Buren. General Pitcher had been a strong supporter of the Albany Regency, in fact made himself almost subservient to its edicts, but after he was supplanted he opposed them strenuously until the day of his death.

The election for Governor and Lieutenant-Governor turned out to be a very close contest, and, had not the Anti-Masons voted for Southwick and Crary, Van Buren and Throop would almost certainly have been defeated. Van Buren received 136,783 votes, Thompson 106,415, a majority of 30,368 for Van Buren. Southwick received 33,335 votes. The votes for Lieutenant-Governor were about the same as for Governor, so that, had Crary withdrawn his name as he at first agreed, Granger would have been elected Governor. Of the thirty-six electoral votes to which New York was entitled, eighteen chosen were favorable to Jackson and sixteen in favor of Adams. At that time each of the thirty-four congressional districts chose a presidential elector. When the electoral college was organized, the two additional electors chosen were for Jackson, so that there were 20 for Jackson and 16 for Adams from the State of New York.

In the electoral college Jackson was elected President over John Q. Adams by a vote of 178 to 83, and had a popular vote of 647,231 against 509,097 for Adams.

Several counties in the west sent Anti-Masons to the Assembly. Among the most prominent of them were Millard Fillmore, from Erie County; Philo C. Fuller, from Livingston County; Robert C. Nicholas, from Ontario, and J. B. Skinner, from Genesee County. The latter, however, did not hold religiously to the creed of his constituents.

A perusal of the message of Governor Van Buren to the Legislature in January, 1829, leaves the reader with the impression that the great apostle of Non-Committalism was a rare politician. The message, which was a long one, contained few distinct expressions upon anything except the deceased Clinton and himself. After a handsome eulogy on De Witt Clinton, he went on to speak of his own "humble

efforts" and refers to himself as the "humblest instrument," yet a man of his abilities must have been conscious of his own worth and must have had some just pride in his own achievements. His political prospects were very bright. He was strong at Washington and he was head of the Albany Regency, which controlled the political situation in the State of New York. For these reasons some writers find it hard to believe that Van Buren was sincere in his remarks concerning himself. Times and manners change. While latter-day politicians seem to believe that every one is taken at his own estimate of himself, the great minds of an earlier date did not believe it necessary or seemly to blow their own trumpets or herald themselves with red fire in order to receive a proper appreciation. These modest expressions by Van Buren are not to be taken as insincere, even though he knew he was not doing himself justice. It was a mannerism—a pleasing mannerism—of his day. A generation before him the great Burke and the mighty Chatham used just such expressions in their greatest forensic efforts. Burke in his speech on the "Conciliation of the American Colonies" went so far as to disclaim the amount of knowledge possessed by the members of Parliament, who were listening to him, yet he knew more than any score of them combined, and his great mind must have felt a noble scorn of their ignorance if he did not pity their shortsightedness. In that speech, while he belittled himself, he prophesied conditions in America that exist to-day. Chatham, in his old age, came tottering to the House of Lords and, while lamenting that he lacked the knowledge of the subject upon which he was speaking, namely, the war with America, he warned his hearers of the very things which happened a few years later. So Van Buren had eminent examples to follow; besides, great minds can afford to be modest.

The message, however, presented a very clear and distinct account of the finances of the State, of its public works and of its literary and financial institutions. In one case the Governor did assert himself with great independence and good judgment. Up to that time the sales at auction of all imported goods had been restricted to officers appointed by the State government, giving these officers a monopoly of the business. He recommended the abolition of these appointments and that the market be thrown open to friendly competition to all persons

who would give proper security for the faithful and punctual payment of all duties to the State. He also advised the repeal of the district system and the choice of presidential electors by general ticket.

He recommended a reform in the banking system and subsequently sent a special message to the Legislature which outlined the details of the plan which he proposed, and out of which grew the safety fund bill. He was not the originator of the project, but his advocacy of it had much to do with its becoming a law.

This bill required the stockholders to pay in the whole bank capital, restricted the issues of banks to a moderate amount, and provided a fund, the preservation of which was guaranteed by the State for the payment of dishonored bills of individual banks. It also made the banks of the State reciprocally responsible for each other.

Thirty-one banks were immediately rechartered under the Safety Fund bill, but the banks of New York City refused to accept charters under the law. They claimed that the bill reduced their credit to a level with that of the country banks, of whose soundness they were not certain. It seems, however, that this was a mistaken view, as the effect was to improve the credit of all the banks, and subsequently the banks of New York were glad to renew their charters under the Safety Fund law.

Governor Van Buren also recommended to the Legislature the passing a law abolishing the district system then in vogue and directing that the electors of President be chosen by general ticket. This law the Legislature passed and enacted in 1829, although it seems to have been unpopular with the people at that time. Still, after the law was passed no objection was made to it. This law had been advocated by De Witt Clinton, and was then opposed by the Van Buren party, but after Clinton's death this party adopted the very measure they had once voted against.

In this year William L. Marcy was appointed to the office of Judge of the Supreme Court. This took him out of politics for a time, and his loss was a heavy one to the Albany Regency.

Silas Wright, Jr., who was fast attaining prominence in the State and attracting attention in the nation, was appointed Comptroller by Governor Van Buren. He also made another appointment at this time

which is noticeable partly because of the extreme political acuteness exhibited in the appointment.

Daniel Mosely had been appointed by Governor Pitcher as attorney to prosecute the abductors and murderers of William Morgan, whose assassination was the cause of the formation of the Anti-Masonic Party. Van Buren made him a Circuit Judge and then selected John C. Spencer as his successor in the office of Public Prosecutor. Spencer was a political opponent of Van Buren. If he succeeded in convicting the murderers of Morgan, Van Buren would receive the credit for his success and of quieting the intense excitement among the people. If Spencer failed, the failure would be attributed to lack of ability on his part; so Van Buren would either gain credit from the work of an opponent, or see that opponent injured by his failure.

It might as well be stated here that the attempted prosecution was a failure. Two thousand dollars had been appropriated to assist Spencer in his work, but he never could get the money, and this apathy on the part of the government kept up the bitterness of feeling and excitement among the Anti-Masons and consolidated them into a party which hoped for a permanent standing, although it had originally been organized in a spirit of revenge.

On March 12, 1829, Martin Van Buren communicated his resignation of the office of Governor to the Legislature, having been appointed Secretary of State in the Cabinet of President Jackson. Both Houses passed resolutions of congratulation and thanks to the retiring Governor, but in the Senate William H. Maynard took exception to the resolution, contending that when Van Buren consented to stand as a candidate for Governor he gave an implied pledge that, if elected, he would serve throughout the gubernatorial term. He therefore contended that the Senate could not approve of the Governor's conduct.

The Lieutenant-Governor, Enos T. Throop, became Governor on March 12, 1829, and Charles Stebbins, of Madison County, became Lieutenant-Governor in his stead.

During the session of the Legislature in 1829 a bill for constructing the Chenango Canal was again brought into the Assembly, but the first section of it, which contained the enacting clause, was rejected in a committee of the whole. It was decided that the routes should be

again surveyed under the immediate inspection of the canal commissioners, and the bill was subsequently amended so that the commissioners were not permitted to contract for making the canal until they should be convinced that the cost of construction would not exceed \$1,000,000; that there would be a sufficient supply of water; that it would produce the first ten years after its construction an amount of tolls which would be equal to the interest for its cost, together with the necessary expense of repairs and attendance.

An act for constructing the Chemung Canal passed both the Senate and Assembly and became a law during this year.

The election of Andrew Jackson to the Presidency in 1828 marked the beginning of a new era in the political life of the nation and of this State, although the forces were not set in operation at once. Jackson was a man of despotic temper and rugged honesty, and by ability and audacity forced himself from the bottom to the top. He took Florida from the Spanish in opposition to the wishes of the President; he defeated the British at New Orleans after a treaty of peace had been signed. Both these acts brought him glory. He was a strict disciplinarian. He relentlessly hanged some raw recruits for a trivial offence, to inspire discipline in his army, and he turned out of his Cabinet those ministers whose wives would not associate with a woman whose character was in question. He appears to have been extreme in his likes and dislikes, and was plainly self-sufficient and arbitrary.

In 1829 he inaugurated the "spoils system" of government. He had previously written a letter of advice to President Monroe counseling him that the period had arrived when the executive authority of the nation might, with propriety, avail itself of the services of every citizen, without regard to the political party of which he had been a member. In 1829 he began what Duff Green, the government printer, characterized as a searching inquiry for all those in office who had opposed his election, with a view to their removal. This determination was rigidly carried into effect. Removals were general and numerous, not only of great officers of State, but even petty officers of the customs, their clerks and the deputy postmasters were made to feel the effects of this reformation. During the first year of his administration, 690 office-holders were dismissed, as against 74 by all the preceding Presidents.

This thorough and universal change was imputed to the influence of Martin Van Buren, who certainly had displayed a distinct tendency towards a system of rewards and punishments in New York State through the medium of the Albany Regency. But the most casual study of Jackson's character would indicate that he needed no mentor to coach him in this direction.

President Adams had pursued a course directly the reverse. Under his régime, when offices became vacant by death or resignation, the vacancies were filled by friends of the administration; but he absolutely refused to make removals on the ground of the political principles of the incumbents. Jackson's rule being largely personal, his motto would be well expressed in the modern phrase of "get even," and this spirit was certainly not modified by his antipathy against his predecessor, President Adams, who Jackson always believed had tricked him out of the Presidency in 1824. In that year Jackson received 99 votes in the electoral college and Adams 84, while Jackson's popular vote was 50,000 in excess of that of Adams. But Henry Clay had 37 votes in the electoral college, and William H. Crawford 41. Although Jackson had the largest electoral vote, he fell short of a majority over all, to have had which he would have needed 131 votes. No candidate having a majority of the electoral vote, the House of Representatives elected Adams, much to Jackson's chagrin. No doubt, then, it afforded him some pleasure to dismiss from office all who had held office under Adams.

The November election in New York exhibited an overwhelming majority in favor of Jackson's candidates. Seven of the eight Senatorial districts elected Senators favoring Jackson, and some of them by very large majorities. Mr. Beardsley, in the sixth, received a majority of about six thousand. That, however, was somewhat increased by his personal popularity in his own county (Otsego), where he obtained a majority of more than twelve hundred votes over his opponent, Mr. Mumford, the Anti-Masonic candidate. Two years before, the county of Otsego had returned Anti-Masonic members to the Assembly. This year the average Jackson majority was over one thousand. In the Assembly, too, the Jackson party elected a very large majority.

The result of this election showed pretty satisfactorily that the Anti-Masonic excitement could not be made to extend in this State, much beyond the eighth district, which was the immediate theatre of the outrage committed on the unfortunate Morgan. Hence this district received the appellation of "the infected district." The Anti-Masons of the west had attempted to create a State and national party, as we have seen in another part of these sketches, and when that was perceived, many, and I may say nearly all the Masons belonging to the Adams party, alarmed at what they believed to be the proscriptive spirit of Anti-Masonry, preferred the ascendancy of the Albany Regency to the domination of Anti-Masons, and either secretly or openly exerted their influence and cast their votes in favor of the Jackson party. This circumstance increased the Jackson majority. Probably some politicians of the Adams party were deceived by this appearance of strength, some part of which was in fact adventitious, and were ready and disposed at any favorable moment to wage a fierce war against them.

The name of Enos T. Throop has not come down to the present generation as one of the great Governors of the State; indeed, it is doubtful if one man in a thousand knows that he was ever Governor, and in his own day he was criticised for lack of learning. His messages, especially, received much adverse criticism on account of their lack of elegance. Yet in his message to the Legislature in January, 1830, his wise comments upon some subjects stamp him as a statesman, a philosopher and a philanthropist. In that message he demurred against the punishment of death for other crimes less than murder, for in that day the death penalty was inflicted for burglary. Up to that time, also, it is notable that no provision had been made by the State for the care and support of the insane. The Governor in his address made the following appeal:

"By the census of 1825 it was ascertained that there were at the time eight hundred and nineteen insane persons in the State. Of these, two hundred and sixty-three were of sufficient ability to pay for their own support; two hundred and eight were in jail or supported by charity, leaving three hundred and forty-eight insane paupers at large, a terror to others, and suffering, in addition to mental derangement, all the privations attending penury and want. The condition of those

under poor-house regulations, or confined in jails, is, if possible, worse. No person of sensibility can look upon these sufferers, in their small cells, surrounded by a bad atmosphere, sometimes chained to the walls, and witness their dejected or wild despairing looks, or frantic madness, without a feeling of horror. No restoration can be hoped for under such circumstances; indeed, the instances are not rare, of persons slightly deranged becoming incurable maniacs by these injudicious means."

About this time there was much discussion over the right of government to distribute the proceeds of the sales of lands belonging to the United States. Governor Throop and his party claimed that this was a proper thing to do, and he further favored duties upon the importation of merchandise. He maintained that in a few years the debt of the nation would be paid off and that but a small portion of the revenue would then be consumed in conducting the affairs of the country; that, while there were prudential reasons for continuing the duties to a certain extent, there could be no valid objection to distributing the surplus among the different States to be disposed of at their discretion. He and his party also claimed that if constitutional objections existed to such a measure they could be removed by constitutional means.

In 1817 a bill passed the two Houses of Congress for the distribution among the several States, according to the ratio of representation of each State in the popular branch of the Legislature, of the dividends of the United States which might accrue on \$7,000,000 of stock owned by the Government in the Bank of the United States; these dividends to be expended under the direction of the general government by consent of the respective States in constructing roads and canals. The whole representation from the State of New York both in the Senate and House of Representatives, with the exception of General Root, voted for this bill, which, however, was vetoed by President Madison.

Important as it is that the historian should record the facts of history with the greatest possible exactness, it is even more important to faithfully record the sentiments of the people during different epochs. Sentiment rules the world and is crystallized into the facts of history. For this reason we quote from the historian Hammond a paragraph which throws some light on social, as well as political conditions, of

the year 1830, while, at the same time, it unequivocally states Hammond's opinion of President Jackson; and Hammond was acquainted with all the characters of whom he wrote. In speaking particularly of Peter R. Livingston, he says:

"N. P. Tallmadge and his relative, General James Tallmadge, had been uniformly in Dutchess County the antagonists of Mr. Peter R. Livingston. The selection of Mr. Tallmadge as the successor of Mr. Livingston must have been extremely unpleasant to the last-named gentleman. Politics among the old families of the State were always more or less mingled with personal considerations and personal prejudices and predilections. Whether the neglect of his regency friends, in not inviting him to become a candidate for one of the high State offices; whether the early declaration of Mr. Clinton, that *he* was for General Jackson, and the continued, unabated hostility of Mr. Livingston to Mr. C.; or whether the bringing forward by his old political friends one of the Tallmadge family for his successor in the Senate; or whether his attachment to Henry Clay, to whom Mr. L. was known to be personally very partial; or whether he was conscientiously of opinion that General Jackson, from his education and habits, was wholly unfit for the high office of President; or, indeed, whether all these considerations jointly operated on his mind, Mr. Livingston, before he left the Legislature, manifested some unwillingness to go with the majority of his party in support of Jackson, and soon after openly joined the opposition to the Jackson party in this State."

The National Republican Party was the name given to the supporters of Henry Clay, and in the year 1830 this party was represented in the Legislature of the State of New York by Samuel S. Lush of Albany and Luther Bradish of Franklin County. The term of service of Mr. Stebbins, who was acting as Lieutenant-Governor, having expired, William L. Oliver of Yates County was chosen to fill that station on the first day of the session, 1830.

General Root, who had been Speaker of the Assembly, was again chosen over Mr. Granger in this year, but the course which he began to pursue about this time resulted in his separation from the regular Democratic Party. The New York banks petitioned the Legislature for some modification of the Safety Fund law, and for charters under that

act. General Root had always been an opponent of the Safety Fund law and was displeased at the New York banks because they so soon abandoned the ground they had taken in objection to the principles of banking presented by the statute. He carried his opposition so far as to oppose the rechartering of the New York banks. It seems that General Root had been an applicant for the office of Bank Commissioner and had been an unsuccessful candidate. The Safety Fund law had been a pet scheme of Martin Van Buren, and General Root probably was opposed to the act because of his disappointment in not receiving the commissionership.

On March 12, 1830, Samuel S. Lush of Albany offered a resolution in the Assembly, instructing the bank committee to inquire into the expediency of prohibiting the circulation of all bank notes of a less denomination than five dollars. He said that the State of Pennsylvania had made such a prohibition, with the result that all the trash of small bills had been thrown out of circulation and had given a wholesome specie currency. The resolution was passed and was the beginning of serious financial trouble which disturbed this State for some time afterwards.

How the Legislature of New York came to pass, by a large majority, such a bill, is somewhat difficult to conceive at this day. It would seem that many of the so-called legislators were influenced by the belief that the intrinsic value of money consisted entirely in the value of the material of which it was made, without any reference to the State whose stamp constituted a legal tender. As this law was enforced, it produced hardships, distress and disaster, and the responsibility for such was thrown upon the Democratic Party for many years. Such being the case, it is interesting to know that Samuel S. Lush, the father of the bill and the first advocate of the measure, throughout his entire life claimed to be a uniform Federalist.

The year 1830 possesses a peculiar interest to those who are observant of the claims of workingmen and their struggles for desired legislation in their favor. The master builders of New York had for some time previous to that year been endeavoring to obtain the passage of a law giving the mechanic an effectual lien upon buildings for remuneration for his labor and materials furnished. They even advo-

cated that they should be allowed a lien upon the lots upon which such buildings were situated. Their efforts proved futile, and they began to complain that workingmen did not receive their share of the offices and emoluments which were at the disposal of the State government. With these two planks as a platform, they attempted, in the year 1830, to form themselves into "The Working Men's Party." This party professed to be governed by principles of its own, which were distinct from those of the two great political parties in the State and nation, and also distinct from the Anti-Masonic Party. Many men who were opposed to the Albany Regency and the Jackson Party joined this new party, which was also augmented by many Masons. The result was that in nearly every city and village in the State bodies of men consisting of doctors, lawyers and business men were found working for this party and calling themselves workingmen. Such a party naturally could not secure a permanent existence; its constituent parts were too heterogeneous. It is said that the intelligent men who joined it were mostly zealous supporters of Henry Clay, who allied themselves with the young party for the purpose of preventing those who would not act with the Anti-Masons from acting with the Jacksonians.

On April 16, 1830, this party held a meeting at Albany and nominated Erastus Root for Governor. General Root had been a member of a Jackson legislative caucus in the previous February, and at that caucus it had been decided to hold a convention at Herkimer for the express purpose of nominating a Governor and Lieutenant-Governor. It would seem, from General Root's political conduct at this time, that he was laying plans, which seemed to him very subtle, to secure the Governorship. It doubtless appeared to him that his nomination by the Working Men's Party would give him strength in the Herkimer convention, and, if he failed to secure the nomination at Herkimer, he would still have the Working Men's nomination to fall back upon.

The Anti-Masons held their State convention at Utica in August for the nomination of State officers. There were 104 delegates present from forty-eight counties. They unanimously nominated Francis Granger for Governor and Samuel Stevens for Lieutenant-Governor. Honest John Crary, who was a candidate for renomination, obtained but seventeen votes, which seemed to indicate that the delegates had

not such a high opinion of his honesty as he doubtless would have wished.

The Herkimer convention met on September 8th and resulted in a serious struggle between the friends of General Root and Lieutenant-Governor Throop, the latter finally winning out and being nominated for Governor. A resolution offered by Silas Wright to make the nomination of Throop unanimous was opposed by the friends of Root. Edward P. Livingston was nominated for Lieutenant-Governor.

E. T. Throop was not a popular man. His most ardent biographer might not credit him with great brilliancy of mind, and his manner was unattractive. He was a strict and inflexible party man, and therein his strength in an election contest lay. Yet he was a man of genuine worth and he possessed sound judgment. His associate on the ticket, Edward P. Livingston, was a dull, heavy-minded man. His characteristic was family pride, but in him the talents which had distinguished some of the Livingstons were notably absent.

General Root gave no indication as to whether he was a candidate for Governor on the Working Men's ticket or not until about the first of October, when, being pressed for an answer, he indicated that he was not a candidate.

It was expected that Throop would easily defeat Granger, but, as a matter of fact, he only carried the State by a little over 8,000 majority. Had it not been for the Masons in counties along the Hudson River, Governor Throop would have been defeated. These Masons had become so alarmed at what they called the persecuting spirit of Anti-Masonry that, much as they disapproved of Jackson and the Albany Regency, they preferred them to an anti-Masonic rule. But the people of the Chenango Valley had abandoned party allegiance and principles to strike a blow at the Albany Regency, which had not fostered their pet scheme of a Chenango canal. In what was at that day the Eighth district, Granger polled twice as large a vote as Throop.

For a party that was not founded on any principle, but which was produced by a murder, or supposed murder, the Anti-Masonic Party attained great strength, as was exhibited in the splendid campaign which Granger made in 1830. Up to the winter of that year the Anti-Masonic Party had acted entirely from the impulse of feeling produced

by the Morgan outrage, but in the winter of that year they began to exhibit their design to become a State political party. Their very name precluded this, however. It signified nothing beyond opposition to Masonry, and there is much in a name in politics. No party has ever existed for any length of time under a factional banner. There were able men in the Anti-Masonic ranks and the party, with a wisdom which was equal to its ambition, proceeded to send these to the Legislature. In 1830 among the Anti-Masons in the Assembly and Senate were William H. Steward, Trumbull Cary, Albert H. Tracy, John C. Spencer, Francis Granger, John Birdsall, William H. Maynard, and Millard Fillmore—among the list are notable names which centuries will not efface from the pages of American history. Moreover, Thurlow Weed was editor of the *Albany Journal*, which was the organ of the Anti-Masons. Weed was a powerful advocate and, while his attacks upon his opponents were bitter and sometimes even ferocious, he is remembered to-day as one of the greatest newspaper men of the State. But, with all this prestige, the party lost its individuality and became one of the factors in the formation of the Whig Party in 1834.

In the summer of 1830 Nicholas F. Beck, Adjutant-General of the State, died at Albany. Governor Throop appointed Major John A. Dix, a native of New Hampshire but whose residence was then in Cooperstown, N. Y., to succeed him. Major Dix was a notable figure in New York politics for a third of a century and was elected Governor of the State in 1872. When we reach that period his régime and career will be fully treated.

CHAPTER X.

The National Republican Party—Effect of National Politics Upon the Democratic Cause in New York State—President Jackson's Financial Policy—Quarrel Between Jackson and Calhoun—The Eaton Case—Nullification—Destruction of United States' Bank—Causes Which Led to the Commercial Panic of 1837—The "Pet Banks"—Governor Throop's Opposition to Chenango Canal—Triumph of the Jackson Party in New York State.

AFTER Andrew Jackson defeated John Adams for the Presidency in 1828, Henry Clay became the national leader of Jackson's opponents. In the year 1830 these opponents took the name of National Republicans. Jackson was a Democrat and his party was the Democratic Party, the title used on banners being Democratic-Republican.

In the fall of 1830, shortly after election day, an important meeting was held in Buffalo at which strong measures were passed favoring the protection of American manufactures. The object of this was to prepare the public mind of this State for a declaration in favor of Henry Clay for President. On December 16 a public meeting was held in New York City at which Clay was boldly launched as a presidential candidate. The supporters of Clay, or National Republicans, thus became an active party in the State of New York for a few years. The most notable distinction between their principles and those of the Democrats was their advocacy of protection, and in this it is easy to trace the suggestion which crystallized into the formation of the present Republican Party in 1855, the vital dogma of whose creed has been, and is, the theory of protection to American industries.

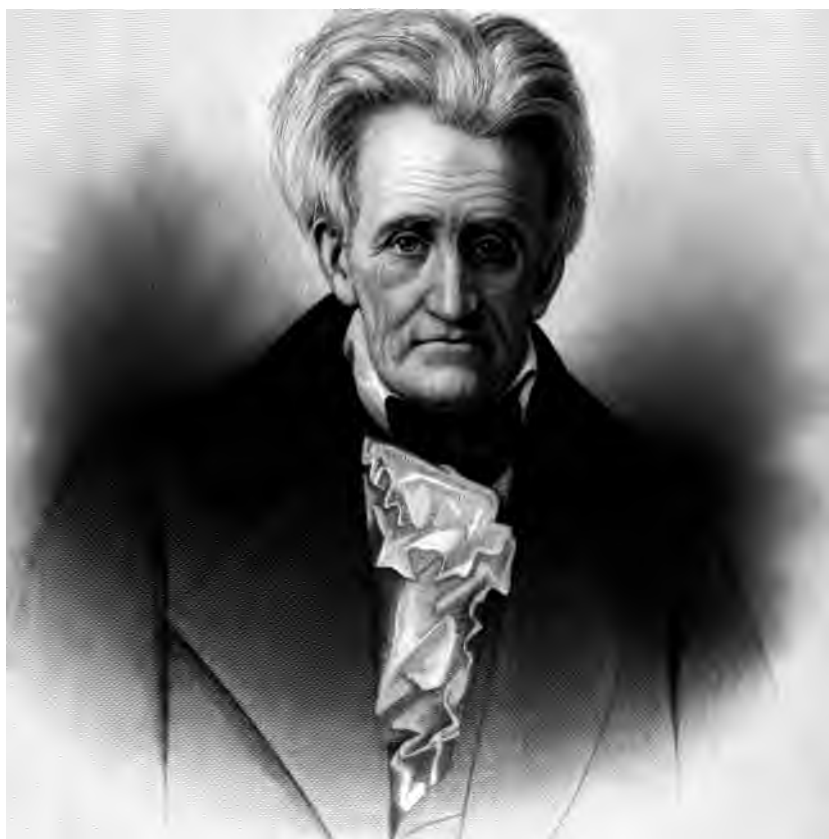
The Jacksonian Party in the State Legislature was stronger in the year 1831 than it had been in the previous year. Governor Throop was an ardent Jacksonian and opened his address to the Legislature by

a flattering eulogy of the President. He also advocated the distribution of the surplus revenue of the United States, in which he was following Jackson's lead, but De Witt Clinton advocated this measure before either of them. The Governor also urged upon the Legislature the wisdom of restricting the number of crimes for which the penalty was capital punishment.

The forces and influences controlling party politics in the State of New York for several years after 1830, in fact, we may say for the whole decade from 1830 to 1840, were situated outside the State. Van Buren was in Washington, and was not only the intimate friend of Jackson, but was looked upon by Democrats as his successor in the presidential chair. Clay, the leader of the National Republicans, was a Southern man. It is, therefore, necessary at this juncture to enter into a brief review of the conditions at Washington in order to get a clear understanding of the political situation of that day, in this State, as well as throughout the Union.

After Jackson had been elected President in 1828, he expressed the opinion that no man should hold the presidential chair for more than one term. At that time John C. Calhoun was looked upon as his logical successor, and Calhoun had, with great determination, set his eyes upon the Presidency as the goal of his ambition. He and Jackson, however, quarrelled, became enemies, and Jackson decided that he would hold the Presidency for two terms. He turned his eyes toward Martin Van Buren as his successor in office. Much of the history of Jackson's life is a record of quarrels and contentions. He not only broke with Calhoun, but quarrelled with his whole Cabinet, with the exception of Martin Van Buren, who helped him out of many difficulties. He had also set himself to destroy the United States Bank, and in this he was supported by the Democrats at large. These three fights were civil fights, but in them Jackson was just as successful as he had always been with his sword.

Calhoun had been Secretary of War under President Monroe, and during the Seminole War was, therefore, Jackson's official superior. This war was an aftermath of the War of 1812. The English had for a time occupied Florida, although that was Spanish territory, and they had stirred up the Indians against the United States. Jackson had



Andrew Jackson

command of the troops sent against the Seminoles, and his orders were that he should, if necessary, pursue the enemy into Spanish territory, but that in case they took refuge in any Spanish fort he should cease operations and await instructions from Washington. This did not suit Jackson, so he set about procuring the consent of President Monroe to his carrying on the war as he saw fit. This he sought to do through the medium of a friend named John Rhea. Jackson maintained that, in this way, he had obtained the sanction of the President for his acts. Monroe always strenuously denied it and made an affidavit to that effect on his death-bed. Jackson not only entered Spanish territory in pursuit of the Seminoles, but captured St. Marks, where the Indians had taken refuge, and even went so far as to drive the Spanish authorities out of Pensacola, at the same time calling upon the government at Washington to say the word and he would take the whole of Florida. Following this he executed two Englishmen on the charge of inciting the Indians to act against the United States.

At this very time the administration of the United States was negotiating with Spain for the purchase of Florida, and Jackson's conduct hampered the President greatly. The matter naturally came up for discussion in the Cabinet and Calhoun proposed to hold a court of inquiry into Jackson's conduct, at the same time speaking harshly of him, although he and Jackson were very friendly. For a long time Calhoun endeavored to keep this act a secret, which was not a very difficult thing to do, because, occurring in the Cabinet, it was a Cabinet secret. It was twelve years before Jackson became aware of Calhoun's attitude toward him at that time, and when he was finally apprised of it the information was brought to him through political animosity.

The only thing which the Cabinet did concerning Jackson's course in the Seminole war was to disavow responsibility for his conduct, and in this way succeeded in satisfying Spain. Jackson at that time did not throw the blame upon Monroe, doubtless not wishing to hamper the administration, but very manfully allowed the blame to fall upon his own shoulders. However, some men in Congress, not content with the rebuff given Jackson by the disavowal of his acts, made an attempt to censure his conduct, probably hoping to injure his chances for the Presidency, toward which at that time he was beginning to look. Jackson

treated all such with a lavish amount of intemperate language and with serious threats, the slightest of which was cutting off the ears of all the Congressmen opposed to him.

In 1824 Jackson was defeated for President, although he had the largest popular vote, while Calhoun was elected Vice-President. In 1828 Jackson was elected President and Calhoun was again elected Vice-President. This threw the two men closely together and Calhoun began assiduously to lay his plans to succeed Jackson. It had become an unwritten law that a Vice-President should not hold the office more than two terms, and Jackson had declared himself against a second term for any President. Calhoun had lent all his influence as Vice-President against Adams during the previous administration, and this naturally strengthened him with Jackson. Still, Calhoun's position was a very delicate one in the light of Jackson's ambitious nature. There were three of Calhoun's friends in the Cabinet, but Martin Van Buren, the most astute politician of that time, was Secretary of State. Van Buren also had his eyes on the Presidency and was a warm political and personal friend of the President.

Little things often upset the best laid plans and lead to the most tremendous results, so little personal matters ruined Calhoun's chances and vastly strengthened those of Martin Van Buren. President Jackson had made John H. Eaton Secretary of War. Now John H. Eaton had married the widow of a naval officer named Timberlake, and it was understood that Timberlake had committed suicide because of Eaton's attentions to his wife. Trouble at once began. The wives of the other Cabinet ministers refused to recognize Mrs. Eaton socially. President Jackson undertook to induce the members of the Cabinet to order a different course of behavior on the part of their wives. But this, it seems, none of them was willing to do. They looked upon the matter as a social question with which the members of the Cabinet had nothing whatever to do, and protested that they would not, if they could, compel their wives to recognize Mrs. Eaton. Edward M. Shepard, in his *Life of "Martin Van Buren"* (p. 182), suggests that they could not if they would, and doubtless his view of the case is correct, as he is an old bachelor and knows all about domestic complications. Calhoun, then a member of the Cabinet, incurred Jackson's anger on

this account, as the President affected to believe that the boycott against Mrs. Eaton was a plan concocted by the other Cabinet members to force Eaton out of the Cabinet. It is said that some time before the Eaton incident, Jackson had become suspicious of the disinterested friendship of Calhoun for himself, and, added to these things, came the growing sentiment of nullification, which had been crystallized by Calhoun shortly before the nomination of Jackson in his "South Carolina Exposition" protest.

At the celebration of Jefferson's birthday in April, 1830, Jackson gave as a toast, "Our Federal Union: it must be preserved." Calhoun came back with "The Union; next to our Liberty the most dear; may we all remember that it can only be preserved by respecting the rights of the States and distributing equally the benefit and burden of the Union."

After that evening there was a gap between Jackson and Calhoun. Subsequently, Major Lewis informed Jackson of the existence of a letter written by Governor Forsyth of Georgia setting forth the position which Calhoun had taken against Jackson in regard to his conduct of the Seminole war, and from that time Jackson was the implacable enemy of Calhoun.

All these things redounded to the political benefit of Martin Van Buren. He was a member of Jackson's Cabinet when the Eaton incident occurred, but, being at that time a widower, it required no diplomacy on his part to smile at the other members of the Cabinet in their embarrassment, to treat Mrs. Eaton civilly, and to still further strengthen himself with President Jackson.

Moreover, Jackson decided upon the removal of the objectionable members of his Cabinet; certainly, to rid himself of the friends of Calhoun and probably also to avenge himself upon those members whose wives had slighted Mrs. Eaton. Van Buren was the first to send in his resignation, and, judging from the condition of affairs in Washington at that time, there can be no doubt that this move was prearranged between him and the President. Van Buren assigned as the principal cause for tendering his resignation that it was his belief that, should he continue in the Cabinet, circumstances would tend to increase and embitter the disputes about the successor to General Jackson, and thus

increase the opposition to the administration. Secretary Eaton sent in his resignation about the same time. Jackson had an interview with each member of the Cabinet and declared that, as he had to appoint one or two new secretaries, he had decided to have an entirely new Cabinet. They all resigned and he appointed new secretaries.

Van Buren's course in resigning from the Cabinet was certainly a wise one. Not only did he strengthen himself with Jackson by enabling him to get rid of an objectionable Cabinet, but he left himself a free lance with the Democratic Party. It would have been vain for him to expect to unite the Democratic Party in his favor so long as he remained in a Cabinet, the majority of whom were warmly in favor of John C. Calhoun as the successor to Andrew Jackson.

Thus, through Calhoun's criticism of Jackson's conduct during the Seminole war, and through his, for him, unfortunate though indirect, connection with the Eaton case, his chances for the Presidency were ruined. But as sour political weather began to blight his flowery hopes, weeds of resentment began to grow, and he pursued the nullification question to the verge of war. Calhoun was the great exponent of nullification, and, as the leader in that movement, the course pursued by South Carolina, his native State, had his endorsement, and was pursued under his leadership, although he was strongly seconded by Hayne. His course in this matter certainly did him no good outside of South Carolina and some other southern States.

What is nullification? It is the act of nullifying or declaring a law to be void. In the history of the United States the term is applied to the nullification, by a State, of a national law, and is always associated in the mind with the case of South Carolina at the time of which we are writing. The nullification doctrine of Calhoun differed somewhat from that of Hayne. Hayne held that the right to nullify resided in the State Legislature, but Calhoun maintained that this was a right of the people and should be exercised by the people in a State convention.

The tariffs of 1824 and 1828 had introduced the system of protection of home manufactures. The South did not employ any skilled labor, the work in that part of the Union being almost entirely performed by slaves. The southern States, therefore, derived no benefit

from protection. They had no manufactures to protect, and consequently objected to a system which protected the northern manufacturers at their expense.

On July 14, 1832, a tariff bill which slightly reduced some duties became a law, but the South, and particularly the State of South Carolina, was not satisfied. That State had been grumbling for some time, and there was a serious menace in her tone. She now took steps to put her threats into execution, and a State convention was called to meet November 19, 1832. That convention passed a nullification ordinance on November 24, which declared the tariff acts of 1828 and 1832 void; forbade the payment of duties under these acts after February 1, 1833; declared an appeal to the Supreme Court of the United States regarding the validity of the ordinance to be contempt of the State court; caused every juror and every State officer to swear to support the ordinance, and declared that if force were used against her she would consider herself no longer a member of the Union.

President Jackson took a firm stand. He issued a proclamation declaring that nullification was inconsistent with the Constitution of the United States, and that disunion by armed force was treason. General Scott was ordered to Charleston; a naval force entered the harbor of that city, and the Collector of the Port was instructed to take precautions to insure the payment of duties. South Carolina weakened before Jackson's vigorous measures, and in January, 1833, the nullifiers, at a private meeting, decided to postpone the operations of the ordinance until after the meeting of Congress, and duties were paid after February 1 just as they had been before. That was practically the close of the incident, but a new tariff bill was passed in February, 1833, with a view to ameliorating the case. Although this bill was not entirely satisfactory to the South, the State of South Carolina held a convention on March 16, 1833, and repealed the Ordinance of Nullification.

Although nullification was subdued for the time, the seed was sown which kept germinating until it broke out in the War of 1861, and it is probable that had Calhoun at that time been on friendly terms with Jackson the South Carolina ordinance would not have been passed, nor would the War of the Rebellion have broken out when it did, al-

though eventually it was inevitable on account of the institution of slavery.

Jackson had decided upon the destruction of the United States Bank, and he set about carrying that decision into effect. The immediate consequences of this course of action were disastrous to the country and left to Martin Van Buren a legacy which proved his political ruin. It is true that the Sub-Treasury of to-day owes its existence to the abolition of the United States Bank; but for this Jackson deserves no credit, as the idea of a Sub-Treasury was not suggested by him, but by his successor, President Van Buren.

The United States Bank had, in the year 1816, received a charter for twenty years. By the law creating this bank it was provided that the national revenue should be deposited in that bank, to be paid out and disbursed by it according to directions it should from time to time receive from the Treasury Department. The Secretary of the Treasury had, however, the right to remove these deposits whenever, in his judgment, the public interests demanded the change, he being required to give his reasons to Congress. The intention of the law unquestionably was that the national deposits should be continued in the Bank of the United States so long as that bank continued to be a safe depository and performed its duties in accordance with the laws under which its charter was granted.

President Jackson set himself to destroy the bank. Jackson's plan was to take the deposits from the Bank of the United States and distribute them among certain State banks throughout the Union. This was ultimately done, and the banks to which the deposits were distributed became known as "pet banks."

In his messages to Congress in 1829, 1830 and 1831, President Jackson expressed strong dislike of the United States Bank. His position was, therefore, clearly understood. Henry Clay, then a member of Congress, having successfully used his power to the disadvantage of Calhoun by encouraging that statesman in his nullification course, now led the friends of the United States Bank in an effort to have the bank rechartered. Not only were a great many people in the United States in favor of continuing the bank, but political opponents of Jackson conceived the idea that if the bank were rechartered it would

hamper Jackson in the coming presidential election. Clay was endeavoring to clear his own path to the Presidency by handicapping his great rivals.

As a large portion of the revenue was collected at the Port of New York, the banks of this State, and many people who were politically opposed to Jackson, favored the distribution of the national surplus to the State banks, as it would leave in this State a great deal of money which would otherwise go into the Bank of the United States.

Under the fine manipulation of Henry Clay both Houses of Congress, in the winter of 1832, passed a bill providing for the renewal of the charter of the bank. This bill President Jackson promptly vetoed. His opponents had felt sure that he would not venture to take this step. They were, moreover, disappointed in the result, for they expected such a course would make him enemies and increase the strength of the National Republicans. In the next Congress, however, he had a majority of his own supporters, so that no further attempt was made in that body to renew the charter of the bank.

The bank's charter would not expire until 1836, but President Jackson, having set out to destroy the institution, was not willing to allow it to die a natural death. He therefore undertook to remove the deposits, on the ground that they were unsafe while in charge of the bank, and he brought this matter before Congress during the session of 1833. The House of Representatives, however, expressed themselves as averse to the project. He then laid his views on the subject before his Cabinet, but Duane, the Secretary of the Treasury, declared he could not conscientiously consent to the measure, and Jackson found it utterly impossible to change the Secretary's determination. So determined was the President upon the success of his project, and finding that he could not remove the deposits from the United States Bank, he removed the Secretary of the Treasury and appointed Roger B. Taney in his stead. Secretary Taney at once issued an order for the removal of the deposits from the national bank to the State banks. This act produced loud denunciations from the National Republicans all over the country, but did not have any appreciable effect upon the political situation.

The managers of the Bank of the United States at once set out for revenge and for financial self-protection. Their retaliatory move was entirely based on their professed desire for the latter. They proceeded to call in their loans, and they restricted discounts. Inside of a few months they had forced the collection of many millions of dollars. The managers of the bank declared that they had made their loans on the credit of the government deposits and, these being withdrawn, they were compelled to call in such loans. They were especially severe toward New York State debtors. Jackson and his friends declared that the course pursued by the bank was entirely unnecessary; but it cannot be denied that the bank's managers were fighting with the President's own weapons, and were actuated by the same despicable sentiments which urged him to work against the bank, namely, revenge.

The bank's course was a direct result of Jackson's act. The consequence was financial troubles in the winter of 1836, which such men as Daniel Webster and Henry Clay claimed were serious, and the responsibility for which they laid at the President's door. Jackson's act in removing the deposits was characterized all over the land as high-handed and tyrannical. It was claimed that he had obtained possession and control of the national treasury, of which the representatives of the people in Congress were the constitutional guardians.

Meanwhile the State banks which had received the surplus revenue looked upon it as a permanent deposit, as capital, in short, and proceeded to enlarge the scope of their operations accordingly. So it came about that men who formerly were permitted to borrow from the banks what they actually needed, could now borrow what they might wish. Speculation largely increased, not only in western lands, which was the favorite investment, but in steamboat lines, in new roads, in suburban tracts—in short, in any project which a speculator might present to the market. Western lands were sold by the government at \$1.25 per acre. These were purchased by speculators, paid for in notes, and sold at higher values, the operation to be repeated over and over as the boom in values progressed. Labor was drawn from productive to unproductive work; men rich in bonds, soon to be worthless, accumulated debts. Banking was looked upon as a splendid road to wealth, so there was a clamor at the doors of Legislatures for char-

ters for new banks; speculation extended to almost all classes. The plenitude of money, the seeming prosperity of the times, naturally induced a more luxurious style of living in the, then, young country. Men grew rich rapidly; farmers' wives became grand dames, with silks and carriages; their sons became gentlemen of leisure. In a new country, such as United States then was, labor is what counts. Labor creates and promotes prosperity, and the condition produced in the country by the spirit of speculation robbed men of the desire to work, when they could make a living more easily. Besides, labor was attracted to the new western fields; the productive East was bereft of those who should have been still working in its fields, and the labor of those who had gone west was as yet unproductive to any extent.

Speculation in public lands swiftly grew to tremendous proportions. The rule that all but actual settlers must pay for such purchases in coin was not maintained. In 1829 the sale of public lands amounted to a little over \$1,500,000. In 1830 it was \$2,300,000; in 1832, \$2,600,000; in 1833, \$3,900,000; in 1834, \$4,800,000; in 1835, \$14,757,000; in 1836, \$24,877,000. In 1836 President Jackson determined to check the wild speculation which had developed all over the land. President Jackson issued an order that the land offices should receive nothing but gold and silver or certificates of deposit in specie in the United States Treasury in payment of land. The law at that time was that all except actual settlers should pay for the land in gold or silver.

The amount of money taken from the United States Bank and distributed among the "pet" banks was about ten million dollars, and there are writers on the subject who claim that this paltry sum was not sufficiently large to have supplied any special impetus toward increased speculation. It must be remembered, however, that the population of the United States at that time was only about thirteen millions, and that ten million dollars in that day would be like sixty millions to-day, figuring pro rata for population. The wealth of private individuals to-day and the concentration of wealth in commercial circles is out of all proportion to what existed then. Men talk of millions to-day as they would of thousands in those days, and the ten million dollars distributed to the "pet" banks was unquestionably a

vast sum of money in the eyes of the country, and even of the bankers. Sixty millions is just the amount of bonds issued by Cleveland in 1893 to relieve the national distress of that year. A sum of money, like any commodity, would weigh as much in one end of the scale as in the other. Moreover, ten million dollars was the amount of Treasury notes issued by Van Buren's special session of Congress to relieve the commercial distress.

However, in the year 1836 the government deposit with the banks had reached the sum of forty-one million, five hundred thousand dollars, and, immediately upon the heels of Jackson's order restricting payment for public lands to specie, Congress ordered this money distributed among the several States in a ratio in proportion to the number of presidential electors to which each State was entitled, the money to be used for internal improvements. Van Buren was opposed to this action. The banks, as has been said, had looked upon this money as a permanent deposit, and had gone on lending money upon the strength of this belief. With vaults full of paper securities, how could they pay in gold? The gold had disappeared, and in its place was paper, which, when the crisis came, nobody would take. The banks had depended upon the government deposits with which to meet their own notes. Was not this an argument against the deposit with them? Did it not show that speculation was heightened by the distribution of this money to the banks? The order, therefore, embarrassed the speculators seriously, and precipitated the terrible financial calamity of 1837.

More detailed particulars of the the commercial troubles of 1837 and their effect upon Van Buren and the Democratic Party will be found in the life of Van Buren, which appears in another part of this work.

We will now return to the year 1831 and to the consideration of events in New York State, which were, to a great extent, an echo of the bank affairs at Washington.

The Jackson Party in New York State, like the personal and political friends of the President all over the Union, were opposed to the rechartering of the Bank of the United States. There were some reasons for this outside of party politics. About two-thirds of the United States revenue was paid into the United States branch bank,

and when there was under the absolute control of the parent bank in Philadelphia. The State banks believed that if these large deposits could be diverted to their vaults, all benefits arising from such deposits would redound directly to the advantage of the State banks. They could largely increase their operations without increasing their capital, and would profit by the very great circulation of United States bank notes.

It is not surprising, therefore, to find that during the session of the Legislature in 1831 both houses at Albany passed a resolution to the effect that the charter of the Bank of the United States ought not to be renewed. It required two attempts, however, to put the resolution through before it was successful.

On June 3, 1831, a convention of National Republicans assembled at Albany, during the session of which President Jackson was soundly abused and Henry Clay exalted. At this convention a State organization was arranged for.

James Monroe, fifth President of the United States, died July 4, 1831. On July 4, 1826, John Adams died in Massachusetts, and Thomas Jefferson on the same day died in Virginia. At the time of Monroe's death the strange coincidence that these three ex-Presidents should all have died upon the Fourth of July excited much comment and conjecture. The superstitious, the ultra-patriotic and the philosopher all had explanations and deductions. Everything of that character being of the nature of useless speculation, forms no part of a page of history.

Early in the session of the Legislature of 1832 the Jacksonian members of that body began to assail the Bank of the United States, in order, no doubt, to assist as far as possible in upholding the hands of the President. A resolution opposing the rechartering of the bank was passed in both the Senate and Assembly.

In 1832 occurred the remarkable action of the United States Congress against Martin Van Buren. He had been appointed Minister to England by President Jackson, and had gone to England and was the accredited representative of the United States at the court of St. James. Early in the session of 1832 the President sent his nomination to the Senate, but that body long delayed taking action upon it,

and when the Senate finally did take action it was to reject the nomination. This was intended as a political blow to Van Buren, but it was in every way an ill-advised act, and particularly so with regard to its results as they affected those who had been instrumental in bringing about the rejection. In England Van Buren would simply have been a prominent American abroad. By this act he was brought home to mingle with his friends, and by his presence to stir their resentment against his enemies. In England he would simply have been United States Minister; he came home to be at once declared a candidate for Vice-President, and was elected to that office in the fall of 1832. At that election Jackson was re-elected President, so that those two great friends, personal and political, were made the first and second men in the nation, and were in a position to lay their plans and carry out their projects with their combined strength.

In New York State the Albany Regency was not dead. Van Buren's friends in this State were as loyal to him as ever. William L. Marcy, one of the strong men in the Albany Regency, was considered a possible candidate for Governor, so that, in the year 1832, the Democrats in New York State felt not only strong, but ardent and confident of success.

Soon after the rejection of Van Buren by the Senate a meeting was held in Albany, at which public speeches were made denouncing the action of the Senate against Van Buren as an unprecedented outrage. It is said that the term "indignation meeting" originated with this and other meetings held to denounce the Senate for its action.

The Anti-Masons convened their State convention at Utica on June 21, and nominated Francis Granger for Governor and Samuel Stevens for Lieutenant-Governor. On July 26, following, the National Republicans held a convention at Utica also. They did not make any nomination for Governor or Lieutenant-Governor, but recommended that Granger and Stevens be supported. They also recommended the support of Henry Clay for President of the United States and of John Sergeant for Vice-President.

Governor Throop's opposition to the construction of the Chenango Canal, which had been continually agitated during his régime, made his renomination for Governor by his party an impossibility, yet it is

doubtful if he cared for re-election. Consequently, the members of the Albany Regency had to look for another candidate, and speedily decided that William L. Marcy was the man of the hour. The Democrats held their convention at Herkimer on September 19. William L. Marcy was nominated for Governor and John Tracy for Lieutenant-Governor.

In the fall of 1832 there were four presidential candidates in the field: Andrew Jackson, Democratic; Henry Clay, National Republican; John Floyd, Independent, and William Wirt, Anti-Masonic. The Jackson Party triumphed, not only in New York State, but throughout the nation. Jackson was, for the second time, elected President, and William L. Marcy was elected Governor of the State of New York, with John Tracy Lieutenant-Governor. The Democratic majority in New York State was about 13,000. In the Electoral College Jackson received 219 votes; Clay, 49; Floyd, 11, and Wirt, 7.

CHAPTER XI.

The Régime of Governor Marcy—The Rise of the Whig Party—Construction of Chenango Canal—Enlargement of Erie Canal—The Abolitionists—Equal Rights' Party, or Loco-Focos—The Legislature and Bank Charters—Wild Speculation of the Time—The Specie Circular of President Jackson—Banks Suspend Specie Payments—Commercial Panic of 1837.

GOVERNOR MARCY began a régime on January 1, 1833, which was destined to last six years. At the time of his election the Democratic Party in the State of New York was in splendid condition. While he had been living in Washington as a member of the United States Senate, he had not lost touch with the Albany Regency, nor had he been forgotten by his friends in New York State. He had been, himself, for some time one of the most active members of the Albany Regency, which was now represented by Silas Wright, A. C. Flagg, E. Croswell, John A. Dix, James Porter and B. Knower. With Marcy as Governor and this galaxy of able men to lead and control the Democratic Party in the State, the only marvel is that it should have lost its strength in the short space of six years. Van Buren was in Washington filling the office of Vice-President and taking a very active part in national affairs and national politics. He was the friend and confidant of President Jackson, and was universally acknowledged as the "heir apparent" to the Presidency. This ought to have aided in strengthening and maintaining the Democratic Party in New York State, and such was the result for a time, but, as has already been pointed out, affairs at Washington so shaped themselves that great dissatisfaction ultimately arose in this State as a result of occurrences in the national capital.

But, for the present, the party was strong active and aggressive.







WILLIAM L. MARSH

Governor Marcy was a "spoils" man; he had openly avowed it, but this did not weaken him with his political friends in New York State. He was one of those strong men whose character dignifies even an indifferent act.

Governor Marcy, in conjunction with the Albany Regency, at once set about making arrangements to strengthen the party wherever possible, and to get the right men in the right places. Marcy himself had resigned his seat in the United States Senate in order to step into the Governor's chair, and it was very important that his successor should not only be a sagacious man, but one capable of taking care of himself and his party in the Senate. This was the more necessary because of Van Buren's peculiar position, holding the office of Vice-President and laying his plans to succeed to the Presidency. Therefore, Silas Wright was selected as United States Senator. Wright was Comptroller, and his left that office vacant, so A. C. Flagg was appointed Comptroller. General Dix was made Secretary of State, and the office of Adjutant-General, thus left vacant, was filled by Levi Hubbell. Hubbell came from Canandaigua, which is in what was then called the "infected district," and it was with a view to gain strength there that his appointment was made.

During the session of the Legislature in 1833 the project of constructing the Chenango Canal was again taken up. For session after session of the Legislature this question had been brought to the front, and for one reason or another had been rejected each time. The principal argument used against it was that its construction would cost a large amount of money, and that it would not pay. Sections of the State not contiguous to the canal took no interest in the matter beyond opposing the project in order to keep down taxes. However, in February, 1833, a bill for the construction of the canal was carried through both Houses. It was claimed by political writers of that day that this bill was carried through as the result of a political deal, in other words, that the Albany Regency bargained with the counties of Chenango and Broome, agreeing to construct the canal if those counties returned Democratic members. In order to pass the bill many members of the Legislature had to cast a vote contrary to their previous arguments and to their previous vote. It is even

asserted that some of these members excused their change of front on the ground that the bill would be brought up at every Legislature until it was finally passed, so it was just as well to pass it then and set the matter at rest.

During this session of the Legislature charters were granted to eight banking companies, and before the session of 1834 began one hundred and five applications for charters for new banks were filed. The tide of speculation induced by the proposed distributing of the surplus revenue to the pet banks was beginning to set in. Early in the session of 1834 a resolution was moved in the Assembly approving of the removal of the deposits from the United States Bank, and the resolution passed both the Assembly and the Senate by large majorities, although there was opposition from such men as Seward.

The action of the United States Bank in forcing collections soon began to cause serious apprehension to the State banks. They began to fear that they would be compelled to suspend specie payments unless they could receive some outside aid. So alarming did the question become that the banks reported their condition to Governor Marcy, and on March 22d, 1834, the Governor sent a message to the Legislature recommending a loan of the credit of the State to the banks, this to take the shape of State stocks to the amount of five or six million dollars; but with the proviso that such aid should be given only in the event that the banks should require such aid. In accordance with the suggestion of the Governor, the Legislature at once passed the act. The United States Bank, however, perceiving that the New York banks would be sustained by the credit of the State, and could not, therefore, be compelled to suspend payment of their notes in specie, soon changed its course, and, instead of curtailing, began to extend its loans and increase its issues. The State banks were, therefore, not compelled to call upon the State for the aid extended to them.

An attempt was made by the Whigs to assail the Governor for recommending the measure. They declared it to be a mortgage on the property of the people of the State for the benefit of moneyed corporations, but their efforts proved futile, as, not only then, but ever since, the action of Governor Marcy has been approved by all parties.

That year, 1834, the National Republican Party, the Anti-Masonic Party, and factious Democrats in some of the southern States united to form the Whig Party. They were all opposed to Andrew Jackson, and from sharing this common enmity found themselves working together, and so they became united. Of course there were Anti-Masons, there were National Republicans, and there were advocates of Nullification in different parts of the country after this date, but so many of each of these parties were absorbed into the Whig Party that the fragments were thereafter scarcely worth considering.

James Watson Webb, of the New York *Courier and Enquirer*, suggested the name of Whig for this combination, as he claimed that in England the word meant opposition to "executive usurpation." That may have been the sense in which the Whig Party in America understood the word, but it never had that meaning in England. According to the best English writers, notably Collier, the term Whig meant "sour whey." It is so given in old English dictionaries also. Both of the names Whig and Tory were nicknames, and after the Restoration in England the Tories, who considered themselves the cream of the political milk, called those opposed to them "Whigs," or the sour whey—the watery or less valuable part of the milk.

The advocates of nullification were confined entirely to the South. They did not become absorbed into the Whig Party, but formed a pro-slavery faction in the Democratic Party of the South.

William Henry Harrison was the first presidential candidate on the Whig ticket, and was defeated by Martin Van Buren in 1836. The Whigs held their first State convention in the summer of 1834, and nominated William H. Seward for Governor and Silas Stillwell for Lieutenant-Governor. The latter had formerly been a Democrat and a member of Assembly from New York City. Seward had, even at that day, acquired a high reputation, and the Whigs felt that in him they had a strong candidate.

The Democrats held their convention at Herkimer in September, and nominated Marcy and Tracy for re-election for Governor and Lieutenant-Governor respectively. The campaign seems to have been fought principally on the question of the removal of the deposits and the trouble produced by the consequent stringency of money. Marcy

and Tracy were elected by a majority of about 11,000, and seven of the eight Senatorial districts returned Democratic Senators.

The message of Governor Marcy to the Legislature in January, 1835, was mainly taken up with the review of the conduct of the United States Bank and a history of the act of the previous session providing for the loaning of the credit of the State to the embarrassed banks. He also suggested the suppression of the circulation of all notes under five dollars. He recommended the enlargement of the Erie Canal.

His recommendation was acted on with regard to the suppression of bank notes under five dollars, an act to that effect being passed by both Houses. This was manifestly to compel the circulation of silver. The Legislature also passed "An Act in Relation to the Erie Canal," which authorized the directors to enlarge and improve the canal, and to construct a double set of lift locks therein, as soon as such improvements were necessary in the opinion of the Board of Canal Commissioners. Under the authority of this act the Canal Board began a system of improvements of the canal with the intention of expending about twelve million dollars, but which ultimately cost twice that much. As it was provided in the act that the cost of this work should be paid out of the moneys belonging to the Erie and Champlain canal funds, this was a heavy mortgage upon these funds.

Notwithstanding the Legislature acted with such liberality toward the Erie Canal, the Senate rejected a bill for the construction of the Black River Canal, and also a bill for the construction of the Genesee and Olean Canal.

At this session of the Legislature Samuel Young introduced into the Senate the following resolution:

"Resolved (the Assembly concurring herein), That the Senators from this State in the Congress of the United States be, and they are hereby instructed to use their best efforts to cause to be expunged from the journals of the Senate of the United States the resolution of the twenty-eighth of March, 1834, declaring 'That the President in the late executive proceedings in relation to the public revenue, has assumed upon himself authority and power not conferred by the Constitution and laws, but in derogation of both.'"

The Legislature of 1835 also passed an act providing for the establishment of a library in every school district in the State. Samuel Young and Levi Beardsley were the principal advocates of the bill.

The Democratic Party of the country had decided to hold a national convention at Baltimore on the twentieth of May, and a New York State convention was also held. Forty-two delegates were chosen to represent this State at the Baltimore convention. At that convention Martin Van Buren received every vote, and R. M. Johnson, of Kentucky, was nominated for Vice-President.

When it had become evident that Andrew Jackson was determined upon the annihilation of the United States Bank even the most cautious statesmen of that day began to believe that the bank capital in the different States might safely be increased, and there developed a rage for possessing bank stock which was manifested at the next session of the Legislature. After Jackson vetoed the recharter of the United States Bank, at succeeding sessions of the Legislature in this State, numerous applications were made for bank charters, and were pressed along by their advocates with great urgency. It must be admitted that the Democratic Party, which was then in power in this State, sought to turn to their own advantage the pressure for charters and bank stock. When a charter was granted a majority of the commissioners selected to distribute the stock was always Democratic. These commissioners generally distributed the most of the stock among their political friends, notwithstanding provision had been made by law for a fair distribution. This only increased the pressure upon the Legislature for new bank charters, and the result was not beneficial to the political spirit of the party nor to the commercial interests of the State.

There were statesmen, disinterested and high-minded, who saw the evil and realized, at least to some extent, its consequences. John B. Yates, a brother of Governor Yates, introduced a bill in 1835 for a repeal of the banking law as it then stood, with a view to making banking free—that is, to leave the business open to competition, the same as any other business. The feeling in favor of confining the business of banking to chartered companies was so strong in the Legislature that the bill was defeated. Yet the principle for which he

fought in the Assembly in 1835 is substantially that which exists to-day.

In the previous chapter reference was made to the conditions which at this time prevailed all over the country in regard to speculation and the extension of credit, which ultimately resulted in financial disaster. In the State of New York there were men who foresaw that there must be a reaction sooner or later. One of these was Governor Marcy, and we give an extract from his message to the Legislature in 1836, not only because it sets forth the conditions which existed in New York State at that time, but also because it makes the understanding of the commercial disaster of 1837 more readily understood. Governor Marcy said:

"There can be no mistake as to the fact, and it should not pass unnoticed, that an *unregulated spirit of speculation* has, within the last year, prevailed to an unprecedented extent. Our citizens, who have been influenced by this spirit, have not confined their operations to objects within our own State. They have made large investments in other sections of the Union. These operations have required something more than the use of our circulating credits. The amount of capital that has thus been transferred from this State to others cannot be ascertained with any degree of accuracy, but it must be very great. These transactions, large as they have been, bear no comparison to the enormous speculation in stocks and in real property within our own State.

"The vacant lands in and about several of our cities and villages have risen, in many instances, several hundred per cent. Large quantities of them have been sold at prices which seem to me to have been produced more by the competition of speculation than any real demand resulting from the increase of our population and actual prosperity. That the sudden rise in the price of these lands is ascribed to the true cause, is evident from the conceded fact, that most of them have been purchased, not for the purpose of being occupied by the buyers, but to be again put in the market and sold at still higher prices. No estimate can be made of the amount of these transactions; but a conjecture may be formed as to the extent of the sales, from the fact that a single auctioneer in the city of New York sold real estate during

the year ending on the thirtieth of September last, to the amount of more than twenty millions of dollars; and the character of these sales is indicated by the further fact that about eleven millions of this property was sold on a bid made by or for the owners. It is proper that I should remark, that the speculations in real property in this State have not been confined to city and village lots, but have extended to farms and wild lands.

"I presume that it will not be denied that a very considerable portion of capital has been devoted to these speculations in land and stocks. I have deemed it necessary to allude to these transactions with a view to lay open the true causes of the alleged deficiency of capital to subserve the purposes of commerce, manufactures, and other pursuits of the productive classes of our fellow citizens, deeming it very important that these causes should be well considered before you attempt to apply a remedy, particularly such a remedy as is asked for—an unexampled extension of our credit system.

"It cannot, I think, be denied that a large amount of capital has been sent out of the State to subserve the purposes of foreign speculations. This is undoubtedly one cause of the want of sufficient capital to transact our ordinary business. It is not less true, I apprehend, that the existing banks have, to some extent at least, lessened their ability to accommodate persons employed in regular business pursuits, by affording assistance to those who are embarked in these speculations. This is another cause of the present want of banking facilities. But the main cause of this want, which now presses so severely upon our fellow citizens, is less obvious, but not the less entitled to your consideration. The passion for speculation prevails to an extent heretofore unknown, not only among capitalists, but among merchants and traders. The funds of these capitalists have been withdrawn to some extent from situations in which they afforded accommodations to business men, and they have consequently been obliged to supply this deficiency in their means. Merchants and others have abstracted from their business a portion of their capital, and devoted it to speculations in stocks and lands, and have then resorted to the banks for increased accommodations. To these causes I ascribe most of the embarrassment now felt for the want of sufficient bank facilities to conduct success-

fully our ordinary business concerns. The proposed remedy, judging from the applications, is to double the present number of banks, and nearly to treble the amount of banking capital. Before you apply this remedy, in whole or in part, you ought to be well satisfied that it will remove the difficulty, and that the use of it will not leave us in a worse condition than we are at present. If the passion for speculation has engrossed the pecuniary resources of the State to such an extent as to interfere with the strong claims that commerce and trade have upon them, is it not to be apprehended that it will appropriate to itself a large portion of any additional accommodations you may provide for these and other branches of business? If I rightly apprehend its character, it will not be likely to abate while it can find means for its gratification. I am well aware that this spirit of speculation cannot be restrained by direct legislation; but you should be careful to avoid encouraging or sustaining it even incidentally by any measures which you may deem expedient to adopt for the purpose of repairing the injuries it has done to the business concerns of the State."

This appeal by Governor Marcy to the Legislature might as well not have been written, so far as that body was concerned. It only aroused a great many to use strong language in referring both to the Governor and his message. Times were good, and no one in the Legislature or out of it cared to listen to pessimistic predictions.

The Democrats had been successful in the November elections of 1835, the party controlled the State, times were good, a presidential election was approaching, at which Van Buren was expected to be the standard-bearer of the Democratic Party in the nation, and few Democrats cared to have any expression of a want of confidence, either in political or commercial affairs, expressed.

In the presidential election of 1836 the Abolitionists, as a party, first came into distinct notice, and it is therefore appropriate to give some account of that party at this juncture. In 1620 the first cargo of slaves was landed in Virginia. From that State and from that date the institution of slavery gradually spread over the South. After the Revolution, statesmen, both of the North and South, deplored the fact that their forefathers had introduced slavery into the country, but they deplored it as a necessary evil.

The first society for the abolition of slavery was formed in Pennsylvania in 1774; New York followed in 1785, Rhode Island in 1786, Maryland in 1789, and Connecticut, Virginia and New Jersey between the last date and 1792. These societies never did anything except to petition Congress, and they were little heard of after 1808. In 1829, however, acute interest was revived on this question, and in that year William Lloyd Garrison, of Massachusetts, published, in Baltimore, the *Genius of Universal Emancipation*. Driven from Baltimore, Garrison began the publication of the *Liberator* in Boston, January 1, 1831. In 1832 the New England Anti-Slavery Society was formed, and in the following year the American Anti-Slavery Society was organized. Benevolent men and philanthropists all over the country took an active interest in these organizations and in the abolition question. An association was formed at Philadelphia, the avowed object of which was to convince, by peaceable means, the people of the slave-holding States that slavery was a political and moral evil and ought to be abolished. They also sought to effect the immediate abolition of slavery in the District of Columbia. Auxiliary organizations were formed all over the country, and so much activity was exhibited by the Abolitionists that the slaveholders became alarmed. This was the sowing of the seed which culminated in the War of the Rebellion, although the political genesis of the slavery question in America may properly be dated from the Wilmot Proviso, of which a record will appear in its proper place.

Martin Van Buren was the Democratic candidate for President in 1836. A native of New York State, he was naturally allied with the Northern Democrats, yet this wing of the party knew that he could not be elected without the support of his Southern friends. Therefore, he and his supporters in New York State were particularly anxious to convince the Southern Democrats that he would not countenance the Abolitionists. The Northern Whigs, who had nominated William Henry Harrison for President, were in exactly the same position with regard to their Southern friends, and so both parties were endeavoring, by opposing the Abolitionists, to hold the fealty of the South. The Whigs were also embarrassed by the fact that Hugh L. White, of Tennessee, was also a candidate for President on the Whig ticket, and

was the favorite of the Southern Whigs. The result was a great deal of political excitement throughout the country, which New York State did not escape. It was not unusual for mobs to gather, for riots to occur—indeed, the political animosity burned to a white heat.

In 1836 it does not seem that the Whig Party in New York State was very sanguine of success, for they put up a man of straw, namely, Jesse Buel, of Albany, as their candidate for Governor, and G. H. Barstow, of Tioga County, as Lieutenant-Governor.

The result of the elections in November, 1836, was that Martin Van Buren was elected President, R. M. Johnson Vice-President, and that Governor Marcy was again re-elected Governor of the State of New York, with John Tracy again Lieutenant-Governor. Van Buren received 170 votes in the Electoral College; Harrison, 73; White, 26; Daniel Webster, 14, and W. P. Mangum, 11. Marcy and Tracy were elected by over 29,000 majority in the State of New York. The Democratic Party had carried the State and nation, but breakers were close ahead, and almost from the day of his inauguration, on March 4, 1837, Martin Van Buren was destined, throughout the rest of his political career, to endeavor without success to beat his way against adverse political waves and winds.

The bank question seems to have been the principal cause of the trouble. A paper called the *Utica Democrat* was established in the city of Utica, and took strong ground against the monopoly of banking, at the same time denouncing the old paper system of currency. In New York the Loco-Focos, or Equal Rights Party, was also making trouble for their Democratic brethren.

Regarding the Loco-Focos some explanation at this point will be timely. The removal in 1833 of the deposits from the Bank of the United States to specified State banks led to the formation of many new banks. Charters for these new banks were purchased from the Legislature, and this buying of charters produced a scandal which assumed such proportions that in 1835 a number of Democrats in New York City, chiefly members of Tammany Hall, organized for the purpose of opposing the banks. These men gave themselves the name of the Equal Rights Party. A meeting of this faction held in Tammany Hall, October 29, 1835, was also attended by the regular Demo-

crats, who attempted to control the proceedings. This they failed to do, and, in order to break up the meeting, turned out the gas. The Equal Rights men lit Loco-Foco matches and proceeded with the meeting. Both the Democrats and Whigs seized upon this circumstance to give them the name of Loco-Focos, and the term subsequently spread and was used as an appellation for the whole Democratic Party by their opponents.

Thus, in the Mohawk Valley and in New York City the process of disintegration had begun in the Democratic Party.

In Governor Marcy's message to the Legislature in 1837 he made a recommendation to that body which is notable for its peculiarity. It was to modify the restraining law and to authorize individuals to receive deposits and make discounts. This furnishes a grave indication of the serious financial embarrassment which was already beginning to be felt, and which had been precipitated by President Jackson's specie circular and the call upon the pet banks to distribute their \$41,500,000 of government deposits to the several States.

Acting upon the Governor's recommendation, a bill in accordance therewith passed both Houses and became a law.

Almost as soon as the Assembly was organized, Robertson, of Oswego, Cutting, of New York, and King, of St. Lawrence County, began a furious attack upon the banks and their management. A resolution was offered to instruct the bank committee to refuse all applications for new charters or for an increase of the capital of banks, but the resolution was not carried. Another resolution authorizing the formation of associations for the purpose of banking passed the Legislature, but was vetoed because the Attorney-General declared it unconstitutional. The storm was almost upon them, but these mariners on the ship of state would not reduce sail.

It was already becoming very apparent to many that to survey a wilderness did not convert it into farms, nor would platting farms build cities. The spirit of speculation had produced in the public mind a state of enchantment like that of the poet Bryant, when he wrote "The Prairie." Standing upon an uninhabited tract, his fancy ran riot until he not only saw cultivated fields and populous cities, but heard the voices of the people. When he became hungry he went back

to dinner. So with the people of this country in 1837, when they had to have three meals a day, wear clothes and pay notes at the bank they found it necessary to get back to cold facts. The only facts which were of any use when disaster came were gold and silver. These could be obtained only by earning them; they could not be earned in a day, a week or a month; consequently the disaster could not be averted.

The specie circular tied up the public; the distribution of the treasury surplus to the States tied up the banks. The first quarter's payment of this surplus, which amounted to \$9,367,000, was made on January 1, 1837. There was disturbance in transferring this large amount of money from the deposit banks. Loans had to be called in, and accommodations to business men were greatly restricted. This created an apprehension of greater trouble when the April payment should become due. This apprehension was increased by the financial pressure in England, which was very serious. In March England began to look to America for remittances of specie through bills on American houses. In that month the merchants of Liverpool sent a memorial to the Chancellor of the Exchequer saying: "The distress of the mercantile interest is intense beyond example." American houses were not able to pay their bills in specie, and by April 8, 1837, nearly one hundred failures had occurred in New York City, and the number rapidly increased with succeeding days. Before the end of the month they were too numerous to be recorded.

In April a committee of fifty men from New York City was appointed to remonstrate with the President. It was loudly asserted that the continuance of the specie circular was more high-handed tyranny than that which had cost Charles I. his crown and head. On May 3 this committee visited Washington, and had an interview with President Van Buren. They laid before him a terrible account of the condition in New York, saying that the credit of the city was blighted, its industries paralyzed, and that there was no hope for them unless relief came from Washington. They asserted that it was unjust to attribute the trouble to excessive development of mercantile enterprise, when, in reality, it was caused by "that unwise system which aimed at the substitution of a metallic for a paper currency."

They declared that Jackson's financial measures were more destructive than fire or pestilence. These were not good arguments to Van Buren, who had endorsed most of Jackson's acts. The President told them that he would adhere to all these measures and that the specie circular should be neither repealed nor modified. The committee returned to New York, and, on May 10, every bank in that city suspended specie payment. The very next day the banks of Philadelphia also suspended; on the 12th the banks of Boston and Mobile; on the 13th those of New Orleans, and on the 17th those of Charleston and Cincinnati followed. In fact, the banks of the United States had suspended specie payment, and there was a general bankruptcy. The banks would not even pay specie to the government, whose deposits they held. Men gave up all attempts to meet their notes because they could not renew them with other paper securities. Those who had real money would not lend it, because they could only get paper promises for its repayment.

Several different soubriquets were conferred upon Van Buren during his political career. But while time has softened all of these, the principal trait by which he is remembered in history was his "non-committalism." For that characteristic his enemies reproached him and friendly writers have sought to minimize the force of the accusation that he was the disciple of non-committalism. Even if he possessed that quality to the degree charged, he needs no defence. During the earlier years of his political experience and up to the date of his election as President; even when he was the central figure of the Albany Regency, he is reputed to have been discreet in expressing his opinions. However he may have been taunted in his day with non-committalism, or however that appellation may have been applied to him since to his derogation, it was not a trait for which he or any other man should be censured. His reticence was but the manifestation of discreet wisdom.

But when he became President and the New York delegation came to him to ask him to have the government interfere between speculators and disaster; to have the government identify itself with commerce, in fact—there was no non-committalism in his answer. Yet that was the one occasion in his life when he should have been politic,

had he considered his own prospects alone. It is poor policy to change horses when crossing a stream, and he was in the middle of a torrent. The splendid stand which he took upon that occasion must ever elicit admiration, but it did himself harm, and it is a debatable question if it did the country any good. It almost engenders regret to think that so famous a political warrior should, in the greatest conflict of his life, throw away his shield and bare his bosom to the lance of Fate. And the regret becomes real, with the after-knowledge that Fate had planned his destruction.

On May 12th the Secretary of the Treasury directed government collectors to keep in their own hands public moneys where the deposit banks had suspended. This compelled Van Buren to issue his call for an extra session of Congress to meet on the first Monday in September. This proclamation did not contain any suggestion of any measures to be taken for relief; it simply said that Congress was called to consider "great and weighty matters."

During this summer the Whig papers kept up a continual attack upon the administration, declaring that the government did nothing to relieve, but everything to distress the commercial community.

When the special session of Congress met in September Van Buren sent them a message which deserves to be ranked as one of the greatest state papers in America. In that message he proposed the establishment of the Sub-Treasury system, and he fortified his position with forcible arguments. He pointed out that the government was not established to confer special favors on individuals or any class of individuals; it was not established to create any system of agriculture, manufacture or trade; its province was not to engage in these, either separately or in connection with any individual citizens or organizations. The message, however, met with a fierce outburst of anger all over the country, and Congress did not pass his Sub-Treasury bill. It passed the Senate by 26 to 20, but was defeated in the House. That Congress did, however, adopt a bill authorizing the issue of ten million dollars in Treasury notes as a provision for temporary relief. It was also decided to postpone the distribution of the surplus among the States.

At that extra session of Congress Henry Clay sought to push

through a bill for the establishment of a great banking institution, which, according to his exposition of the matter, would produce magic results. His arguments failed, however, to convince Congress of the wisdom of this course, and the bill was defeated by 123 to 91.

The commercial houses of the country began, during the summer of 1837, to recover slowly from the disaster which had come upon them, but both the summer and fall elections were disastrous for the Democrats of New York State. The Whig triumph was far-reaching and decisive, and out of 128 members of Assembly they elected 101, and they carried six of the eight Senatorial districts.

Some other causes assisted in producing the defeat of the Democrats in the fall of 1837. One of the provisions of the Safety Fund Law was that, in case any bank should refuse to pay its notes on demand in current coin the Chancellor should order its effects to be turned over to a receiver, and should issue his injunction preventing the bank from issuing notes. Immediately after the banks had suspended specie payment the New York Legislature passed a law suspending any action under that clause of the Safety Fund bill. This was a good provision and of course met with the approval of all. But Senator Tracy, with some following, sought to follow it up by another bill seeking to amend the act to prohibit the circulation of small bills, which had been passed in 1835. Senator Tracy's bill failed to pass, and this action of the Democratic majority in the Legislature brought upon them the censure of the public generally.

The *Washington Globe* was understood to represent the administration of Martin Van Buren. That paper, seconded by the *Evening Post*, a leading Democratic journal of New York City, carried on a bitter attack against the banks. The attitude of the *Globe* aroused a suspicion in the public mind regarding the solvency and soundness of banks in general, and this led to the further conclusion that Van Buren contemplated the destruction of the whole paper system. This supposition injured the Democratic Party.

Within the Albany Regency itself there was a difference of opinion regarding the course pursued by the Democratic editors, and particularly those of the *Evening Post* and *Washington Globe*. A. C. Flagg was the leader of those who upheld the course pursued by the *Globe*,

while Samuel Beardsley headed the party who questioned the wisdom of that policy. Thus, through internal differences, the Albany Regency, which had controlled the policies of the Democratic Party for so long, began to lose its power, and the effect upon the party was soon apparent.

When the Legislature assembled on January 7, 1838, Governor Marcy read them what was to be his last gubernatorial message. In that message he advocated three important public measures. He spoke strongly in favor of a general banking law; he declared in favor of an independent treasury, such as had been recommended by the President at the special session of Congress; and he advised an increased appropriation for the purpose of hastening the enlargement of the Erie Canal.

The Whigs, who were vastly stronger in number in the Legislature than the Democrats, immediately began to take legislation into their own hands. Their first act was to bring forward a bill to repeal the law which prohibited banks from issuing bills under five dollars. This bill passed the Assembly, but in the Senate was amended so as to suspend, for two years, the law which prohibited the issuing of small bills. A bill was also passed appropriating four million dollars to be expended during the current year for the enlargement of the Erie Canal. A bill known as the General Banking Law was also passed by the Legislature of 1838.

A bill for an independent treasury was introduced into the United States Senate in the winter of 1838, and passed that body, but was laid on the table in the House.

^ The panic of '37 had passed, and commercial affairs were gradually entering upon a more prosperous condition, and, as business affairs became less harassing, the newly acquired popularity of the Whigs began to diminish. The charter election of New York City showed a decided loss in Whig strength, and elections which took place in several States during the summer of 1838 resulted more favorably to the general administration than had been hoped.

These things inspired the Democratic Party of New York State to hope for success in the fall, when the election for Governor should recur. The Whigs could not readily decide upon a man as their

standard-bearer; some were for Luther Bradish, some for Francis Granger and some for William H. Seward. They ultimately nominated Seward for Governor and Bradish for Lieutenant-Governor. Both the Whig and Democratic conventions were held upon the same day, the Whig at Utica and the Democratic at Herkimer. The Democrats unanimously nominated Marcy and Tracy for re-election.

On October 3, 1838, a meeting of politicians from all over the State was held at Syracuse. These men had formerly belonged to the Democratic Party, but now called themselves Conservatives. The leading men in this movement were United States Senator N. P. Tallmadge, John C. Clark, of Chenango, and Judah Hammond, of New York. The convention was not very important in itself, but a resolution was adopted pledging the support of the Conservatives to Seward and Bradish.

The Whig candidates carried the State by about 10,000 majority for Governor and Lieutenant-Governor. The Whigs returned to the Assembly with a majority of two to one. They were still in the minority in the Senate, although they carried five of the eight districts.

But even while the political heavens seemed to be clearing for the Democrats, both State and national, it seemed as though the Fates were against them. Further commercial troubles were near at hand, for which the administration at Washington was to be held in some degree accountable, and which would work against the interests of the party in New York State. Besides, the Whigs had gained a foothold; they were in control of the Assembly, and their ablest man was in the Governor's chair. But an event with which no party in the State or nation had any concern did the Democrats a great deal of mischief. This was the rebellion of 1837-38 in Canada, generally known as the Mackenzie Rebellion. As a matter of fact, Mackenzie led the insurrection in Upper Canada (now Ontario) while Pappineau was the leader in Lower Canada (now Quebec). The Canadian Parliament had proposed various reforms, which were vetoed by the Governor-General, who was, and still is, appointed by England. The Provinces broke into rebellion, or, more correctly, part of the citizens resorted to arms. The rebellion never assumed any serious proportions. Pappineau was seized and executed, and Mackenzie fled to Buffalo, where, without

doing himself any good, he did the Democratic Party a great deal of injury. There was a price of \$4,000 set upon his head, but he called for volunteers, enlisted twenty-five men, commanded by Van Rensselaer, an American, and seized Navy Island, which lies in Niagara River a short distance above the Falls. There he established a provisional government, with a flag and a great seal, and even issued paper money.

In December, 1837, a party of Canadian militia crossed the Niagara to seize the "Caroline," a steamer in the service of the rebels. The vessel lay upon the American shore, but, notwithstanding this, the Canadians seized her, killed several men in the affray, set fire to the vessel, and sent her blazing over the Falls. This was really an invasion of American territory. President Van Buren promptly sought to prevent any hostile demonstration against the Canadian government from American shores, and declared that the neutrality laws would be rigidly enforced and all offenders punished. Moreover, were any American citizens to engage in the war and fall into the hands of the British, no succor would be given them by the United States.

Upon the renewal of the raids from America into Canada in 1838, the President issued a proclamation calling upon all misguided Americans to abandon projects dangerous to their own country, and warned them that if taken in Canada they would be left to the justice of the government whose dominion they had, "without the shadow of justification or excuse, nefariously invaded." This was too much for a people many of whom were only too glad to injure England, and Van Buren was promptly declared to be a British tool. During the portion of the rebellion which occurred under Marcy's rule, as Governor of New York State, he had taken precisely the same stand as the President, so that throughout this State much feeling was developed against the party, both State and national.

The Whig Party, as a party, did not countenance the extending of assistance to the Canadian rebels, but it certainly profited greatly by the feeling raised against the President and his party. Certainly there was a marked falling off in the Democratic strength, and a corresponding increase in the Whig vote in the fall of 1838, especially in the border counties.

Marcy's last act as Governor, which was truly a refusal to act, was most creditable to him. Many of his political friends sought to induce him to call an extra session of the Senate for the purpose of transacting executive business. This was for the purpose of enabling those office-holders whose terms of office would expire during the next two years to resign and to procure the appointment of other persons who were the political friends of the Governor, as well as the political friends of the then office-holders. This Governor Marcy absolutely refused to do.

CHAPTER XII.

Governor Seward's Régime—Effort to Rear Monument to De Witt Clinton—No United States Senator Chosen—Van Buren's Visit—The Virginia Controversy—The Registry Law—State and National Elections of 1840—Causes of Van Buren's Defeat—Seward's Conflict with the Legislature—Death of President Harrison and Succession of Tyler—The State Almost Bankrupt—Measure to Preserve the State's Credit—The People's Resolutions—Election of Governor Bouck.

GOVERNOR SEWARD entered upon the duties of his office on the first day of January, 1839, and broke the long chain of Democratic Governors of the State. He was an able man and was destined to a long and prominent career, not only in State, but in national politics. In his first message to the Legislature he could not refrain from making several insinuations against the Democratic Party, and found fault with the extensive power given to the Canal Commissioners. He recommended some reforms in the judiciary, had considerable to say on the achievements of the State, its resources and possibilities, and altogether produced quite a lengthy document from a Whig point of view. He recommended to the Legislature that a monument be erected to the memory of De Witt Clinton. A bill was introduced in the Assembly which provided for the erection of a monument in Albany. The measure failed to pass, as many of the members of the Legislature professed that, in a Republican government, it was unwise to establish a precedent for the erection of a monument to the memory of any man. They also claimed that it tended toward a species of man-worship. Some facetious gentlemen, also opposed to the bill, proposed amendments providing for the erection of monuments to other deceased statesmen. It is not easy to understand the attitude of these men, in this

day, when monuments are to be seen all over the land and the University of New York has established a Hall of Fame. It may be uncharitable, but it is difficult to repress the reflection that the memory of De Witt Clinton, then dead only eleven years, still aroused bitter jealousies in lesser men, and in their envy they declined to pay a graceful tribute to his worth.

Willis Hall, a lawyer of limited practice, was appointed Attorney-General; John C. Spencer was made Secretary of State; Bates Cooke, of Niagara County, was made Comptroller, and Jacob Haight, of Greene County, became State Treasurer.

It will be remembered that in 1825 no United States Senator was chosen by the Legislature. The same thing happened again in 1839, no one receiving enough votes to secure the nomination. In both cases the result was intended to be just what it was, and both exhibit the pernicious side of politics. There was a great degree of political excitement throughout the entire legislative session of the winter of 1839 because the majority in the Assembly was Whig, while the majority in the Senate was Democratic. What the Assembly would do, the Senate would revoke; what the Senate wished to do would be defeated in the Assembly; consequently very few laws of any importance were passed. The two Houses, however, did agree to pass an act "to preserve the purity of elections." Judging from the attitude which the two parties displayed toward each other during that session of the Legislature, the concurrence of each in the passage of this act was a doubtful compliment to the other.

During the summer of 1839 President Van Buren visited the State of New York. This was his first return to the State after his election in 1836, and it is doubtful if his popularity in his native State was enhanced by that visit. The Whigs declared it was a political trip, and every speech which he made was given a political twist. A strong opinion has long prevailed that it is a dangerous proceeding for a candidate for popular favor to go out among the people, and it is doubtful if even William Jennings Bryan proved this notion to be incorrect.

However, after the President had completed his trip and left, both parties in this State felt that he was reasonably sure of re-election. The Whig Party had scarcely yet become crystallized throughout the nation.

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It was composed of many distinct elements, and it was considered doubtful if these different factions would unite on one man as the presidential candidate. The result of the November election in the State of New York, however, disheartened the friends of Martin Van Buren while it inspired the Whigs to renewed exertions. Although the Whig majority in the Assembly was reduced by the election in the autumn of 1839, they succeeded in capturing a majority of the Senate, and this gave them control of both Houses of the Legislature.

The Whigs of the nation began early to lay their plans for the presidential election of the next year, and arranged for a convention to be held at Harrisburg, Pa., on December 1, 1839. Daniel Webster was undoubtedly the favorite candidate of the Eastern States, but he had written a letter from Europe declining to be a candidate. The southern Whigs had no candidate, so the field was left between two western men, Henry Clay and General William Henry Harrison. Clay was undoubtedly the favorite of the great mass of the Whig Party in the nation, and especially of those in New York State. When the convention was assembled the New York delegation was found to be divided, part of them having taken up General Scott, while some were for Harrison and some for Clay. The friends of Scott finally abandoned him, and Harrison received the nomination. John Tyler, of Virginia, who had been a strong supporter of Clay, was named on the ticket as the candidate for Vice-President. When this nomination was announced it revived the hope of the Democrats, because Harrison was not a strong man, outside of his limited war record, and Tyler was, if anything, weaker.

The Legislature of 1840 assembled on January 7th, and the Governor again regaled the members with a message of unusual length. He again recommended some improvements in the judiciary system, an extension of the civil jurisdiction of justices of the peace, and that the children of foreigners should be educated by teachers speaking their own language and of the same religious faith as themselves. He charged the administration of the general government with hostility to our State institutions on the currency question, and with an intention to establish a metallic currency as the circulating medium of the country. His attack on the national administration was very bitter.

He recommended retrenchment on State expenditures. On the subject of internal improvements he receded from the ground taken by him in his message of 1839. He quoted figures showing the expenditures on the Black River, Erie and Genesee Valley canals had been double what the estimates called for, and he asserted that when he formerly recommended the speedy completion of these works such recommendation was based on the assumption that the estimates of the agents of the State were correct. What a glorious thing it would be sometimes to be a prophet. Governor Seward could not divine that in the year 1903 the then Governor of the State of New York would endorse an outlay of \$101,000,000 upon the Erie Canal alone, and that the people would vote that enormous sum of money without any hesitancy.

He also laid before the Legislature his side of the dispute with the Governor of Virginia. The Governor of that State had made a demand upon Governor Seward for the delivery of three persons as fugitives from justice, who were charged with having stolen a negro slave in the State of Virginia. Seward would not sign the extradition papers. He said that he declined to comply with the request of the Governor of Virginia because the right to demand or to surrender fugitives from justice between sovereign and independent nations only existed where the act constituting the offense was recognized as a crime by the universal laws of civilized countries. The stealing of a slave being a crime only in slave States, he did not consider he had a right to surrender the fugitives.

During this session of the Legislature the State Printer, Mr. Crosswell, was removed, and Thurlow Weed was appointed in his place. For many years a large majority of the Canal Commissioners had been active Democratic politicians, and in 1840 four of the five men composing the commission were Democrats. On February 13 a concurrent resolution was introduced into both houses of the Legislature to appoint five persons to fill the office of Canal Commissioners instead of Samuel Young, John Bowman, William C. Bouck, Jonas Earll and William Baker. The resolution passed both houses, and Asa Whitney, S. Newton Dexter, David Hudson, George H. Boughton and Henry Hamilton, all Whigs, were appointed to constitute the new Canal Com-

mission. The Whigs had recognized and adopted the spoils system. In this session, also, a law called the Registry Law was passed. It required that all voters of the city of New York should be registered under the direction of commissioners of the several wards, appointed for that purpose some two or three weeks before the election. Challenges were to be made before such commissioners, and the right of voting was to be settled by them. This law was opposed by a majority of the Democratic Party in New York. They contended that it violated the spirit, if not the letter, of the Constitution, and that it made an invidious distinction between the electors of that city and those in all other parts of the State. They further asserted that it implied a suspicion of the honesty of the voters of New York City which was dishonorable to the inhabitants. In the session of 1841 General Root sought to have a bill passed extending the provisions of this law so as to cover the whole State, but his efforts were futile.

At Washington the friends of President Van Buren had been using every effort to secure the passage of the Independent Treasury bill. Early in the winter it was adopted by the Senate, but it lingered in the House until near the close of the long session of that year. It was finally passed, and the President signed it on the Fourth of July.

On September 2d a Democratic State convention for the nomination of Governor and presidential electors was held at Syracuse. There were several candidates for the Governorship, the most prominent being Silas Wright, John A. Dix, Chief Justice Savage and William C. Bouck. After the convention was organized letters from Wright and Savage were received declining to be candidates, and William C. Bouck, of Schoharie, was nominated for Governor, with Daniel S. Dickinson, of Broome County, for Lieutenant-Governor.

The Whig convention nominated for re-election Governor Seward and Lieutenant-Governor Bradish.

The result of the election was a complete triumph for the Whigs in both State and nation. The Harrison electoral ticket carried the State by more than 13,000 majority, while Seward obtained only about 5,000 over Bouck. This would indicate that Van Buren was not as popular as his party in New York State, but, at the same time, Bouck was very popular along the Erie Canal, of which he had for



a long time been a commissioner. The State Assembly consisted of 66 Whigs and 62 Democrats, while in the Senate there were 21 Whigs and 11 Democrats. Harrison and Tyler received 234 votes in the Electoral College, Van Buren, 60, and R. M. Johnson, who was on the ticket with Van Buren as Vice-President, received 48.

Many causes might be assigned for the political revolution of 1839 and '40, which swept the Democrats out of power in State and nation and placed the young Whig Party in the ascendancy. In national affairs Van Buren's espousal of an Independent Treasury would, at the first glance, seem to be the rock upon which he foundered. This would imply that in the year 1840 a majority of the people of the United States preferred a national bank to the sub-treasury system. It may fairly be said that the Whig Party was asked if it believed a majority of the people in that year preferred a national bank, because, when they held their convention at Harrisburg they did not embody in their platform any announcement of their endorsement of a national bank. They evidently felt that to be a question which it would be well to disregard. It is a fact that they did undo the work of Van Buren in establishing an independent treasury system. Also, during the campaign, Van Buren was assailed for his sub-treasury plan, and no doubt many imagined they could trace the beginning of the troublous times of '37 to the destruction of the United States Bank, and entertained the belief that a return to the old order of things would be wise. Yet both parties, Whigs and Democrats alike, condemned the pet bank system. It is, therefore, improbable that his advocacy of the sub-treasury system was the cause of the great majority by which Van Buren was defeated. The fact is that Van Buren was held responsible for both the real and imaginary errors of President Jackson. Also, he had been so unfortunate as to be President during a great commercial crisis, and the people, not only of that day, but of this, have a strange habit of laying all their commercial troubles at the White House door. Times had been bad during the most of his régime, and the general cry was for a change. Things might become better; they could not well be worse, or so the people evidently thought. That the commercial troubles which occurred under Van Buren's administration and a consequent desire for a change were the causes of the defeat of himself and

his party is made absolutely clear by a perusal of the speeches of Daniel Webster during that campaign. With all his abilities as an orator and statesman, he was, like all statesmen, afflicted with a political bias. He must have known that Van Buren's attitude during the recent troublous times had been grand; and if he possessed in any degree the foresight with which statesmen are usually credited, he must have seen that the sub-treasury system was vastly superior to a national bank. Indeed, it is to be presumed that he did see and understand those things. In his speeches he studiously avoided logic, and regaled his audiences with eloquence. So he cried out to his hearers: "Every breeze says change; the cry, the universal cry is for change." Change was the keynote of his orations. The people were uneasy because of the troubles through which they had passed, so the watchword of the Whigs during that election was "change."

It is doubtful if in any American campaign any political party ever used so much buncombe and so little brains as did the Whigs in the presidential contest of 1840. Yet they won. It was a popular rush to a circus where the admission was free and all who attended could take part in the festive performance. Enormous political meetings were held, and these were attended, not by men alone, but by entire families; fathers, mothers, sons and daughters all turned out, and the voice of the spellbinder was heard in the land. There was the log cabin with the latchstring hanging out, and there was a live coon inside, as a sideshow. There were Revolutionary soldiers marching in procession; there were bands of music and there were barrels of cider. It was the proletariat running loose in a bloodless raid. There was so much enthusiasm that there was no time for thought.

President Van Buren was pictured as a cynic, self-satisfied and utterly disregarding the rights of the people, and, unfortunately, while the tempest of wind and dust was further adding to the blindness of the people, he increased their rage, for he regarded it all with an aristocratic sneer and drove out in a carriage of English manufacture. With a generosity characteristic of all superior minds, he placed too much confidence in the good sense of the people at large. It is strange that a man of his ability and experience should not have fully realized that sentiment and not fact rules the world. It may be that he did realize

it, and that this was not a politician's error on his part, but that he was too proud to lower himself to the enemy's mode of warfare. Then there were still other causes which contributed to Van Buren's defeat, although the commercial troubles under his administration constituted the principal grievance. He was proclaimed as a Northern man with Southern sympathies. This was not pleasing to his friends in the North, and the South did not sustain him. In fact, the South at that date had rarely ever given a presidential vote to a Northern man. The banks were against him also, and they naturally had their influence.

Governor Seward met the Legislature of 1841 with his usual lengthy message, in which he devoted considerable space to the canals. Again he recommended reform in the system of jurisprudence, and again urged legislation favorable to the public schools.

During this session Assemblyman Townsend, of New York, introduced a bill providing for the division of towns and wards into election districts, and for holding the general election on one day only. This wise measure was ultimately adopted by the Legislature, as is universally known.

The Legislature of 1841 was mainly occupied by three important questions, namely, the Virginia controversy, the removal of Recorder Morris, of New York City, and the question of capital punishment.

The Virginia controversy, which arose in 1840, has already been alluded to. It grew out of the alleged theft of a slave in Virginia, who was carried by his abductors to the State of New York. These abductors Governor Seward refused to deliver over to the authorities of Virginia upon the requisition of the Governor of that State. In 1840 he had laid the correspondence relating to the matter before the Legislature, and in 1841 he brought the attention of that body to the case again. It excited a great deal of interest, not only in the States interested, but throughout the Union. It was one of those incidents which contributed to foster antagonism between the North and South. While the controversy was going on a man named Curry was charged with committing forgery in the State of New York, and he fled to the State of Virginia. Governor Seward sent a requisition to Governor Gilmer, of Virginia, for the return of Curry. Governor Gilmer declined to extradite Curry until New York State extradited the men

Virginia accused of slave-stealing. So the matter became a deadlock, in which Governor Seward clung tenaciously to what he conceived to be the law, while Governor Gilmer took the stand that what was good for Virginia could not be bad for New York. Resolutions were passed in both States relating to the matter, and there were found men in each Legislature to take opposite sides of the question. Some thought the Legislatures had no business with the matter, others thought the legislative body thoroughly entitled to take action. But it does not appear that any definite conclusion was ever reached. The case seems to have dragged its slow length along for several years, then died out. The abductors remained in New York, and Curry remained in Virginia.

Previous to the presidential election of November, 1840, a plan appears to have been concocted to smuggle into New York City from Philadelphia certain men, who, upon their arrival in New York, would be fraudulently registered as voters. The plan was discovered by Colonel John D. Stevenson, who was approached on the subject by one Glentworth. Colonel Stevenson joined with Glentworth to import such voters from Philadelphia for the purpose, he alleged, of securing evidence of fraud. A few days before the election he made a full disclosure of the plot to Benjamin F. Butler. A prosecution was instituted against Glentworth, and an endeavor was made to gain possession of his papers. These papers had been deposited with a Mr. Pierce, an apparently innocent party. Criminal proceedings were instituted against Glentworth before Recorder Morris. The Recorder, in company with an officer, went to the house of Mr. Pierce in the night, and secured the papers by threatening to search for them unless they were delivered to him. Shortly afterwards a grand jury was impaneled for the Court of General Sessions in New York, of which the Recorder was the presiding judge. It had been given out that an attempt would be made to procure the indictment of Recorder Morris on the charge of a misdemeanor committed in coercing the delivery of the papers by Pierce. The Recorder in charging the Grand Jury, stated the case as he supposed it would be proved against himself and proceeded to deliver an exhaustive argument in justification of his conduct. On December 29th Governor Seward wrote to Recorder Morris informing

him that he would recommend his removal from office for two reasons : Because he deemed his conduct at the house of Pierce unjustifiable, and because it was improper for the Recorder to take advantage of his official position to charge the Grand Jury on a question in which he was individually concerned. At that time there had been no charges preferred against the Recorder to the Governor. His knowledge of the case seems to have been drawn from newspaper reports, and his action was, therefore, unusual. Furthermore, although the Recorder replied to the Governor's letter, the Governor, before that letter was received, sent a message to the Senate recommending the Recorder's removal. A long controversy followed, which took up much of the time of the Senate. There was much talk of right and wrong, of law and justice, but there seems to have been more politics than anything else in the case, and the Recorder was finally removed. This removal took place in February, but within three months, namely, in May, Morris was elected Mayor of New York City by a large majority, clearly implying that the inhabitants of his own city thought pretty well of him. The Whigs, however, tried to make capital out of the whole transaction, and accused the Democrats of New York of having long carried on the nefarious practice of introducing foreign voters to the polls.

A committee was appointed during the Legislature of 1841 to consider that part of the Governor's message which related to capital punishment. The committee reported in favor of the abolition of capital punishment and the substitution therefor of life imprisonment at hard labor. A bill to that effect, introduced by Assemblyman O'Sullivan, of New York, editor of the *Democratic Review*, passed to a third reading, but on the final vote was lost by a vote of 52 to 46.

John C. Spencer was at that time Secretary of State, and therefore State Superintendent of Public Schools. He gave untiring attention to the betterment of the system. To his efforts and abilities many of the commendable changes of that day are due. The Legislature took up the question in 1841, and modified the existing system by providing for the appointment of a deputy superintendent of schools in every county. The sum of \$2,800 was also appropriated to be paid to the printer of the *Common School Journal*, a periodical which

was entirely devoted to the cause of popular education. Francis Dwight conducted this journal, and to his efforts and those of S. S. Randall, who was deputy superintendent under John C. Spencer, much of the credit is due for the impetus given to public education in that day.

On the fourth of March, 1841, William Henry Harrison was inaugurated President of the United States, and it is amusing to notice in the writings of that day that some doubts were expressed as to whether he wrote his own inaugural address. Every man living to-day has heard that same thing about Presidents whom he remembers, and there is a flavor of cynical humor in the suggestion that we have elected to the highest seat in the nation men who could neither think nor write well. President Harrison appointed as his Cabinet: Daniel Webster, Secretary of State; Thomas Ewing, Secretary of the Treasury; John Bell, Secretary of War; George E. Badger, Secretary of the Navy; John J. Crittenden, Attorney-General, and Francis Granger, Postmaster-General. The pressure upon General Harrison for appointments to office was extreme; so great indeed that it has been claimed the distraction arising from this cause helped to produce his death. On March 17th, the President issued a call for an extra session of Congress to meet on May 31st. In the latter part of March, while out for a long walk, he was overtaken by a rainstorm and caught a cold, which assumed serious proportions and produced his death on April 4th. John Tyler, the Vice-President, then became President.

It was generally believed when Tyler succeeded to the Presidency that his administration would be really a Clay administration, because he had been a strong supporter of Henry Clay for the Presidency. In this his friends were greatly disappointed. John Tyler, as President, entertained very different ideas from those of John Tyler the citizen, or John Tyler, the Vice-President. As soon as the extra session of Congress was convened, on May 31st, the President sent in his message. Its principal feature was a recommendation for the repeal of the Sub-Treasury Law, and an intimation that a fiscal agency, as he termed it, might be established as a substitute for a chartered bank. The Whig Party, and especially Henry Clay, was very desirous to pass a law to charter a national bank; in fact, this was

a long cherished measure of Henry Clay. He introduced such a bill, which passed both the Senate and House of Representatives, notwithstanding the opposition of Silas Wright and other Democrats. The President detained the bill for several days, but finally vetoed it, and a rupture with his own party ensued. Not only was the party in favor of the bill, but his Cabinet, which had been formed by General Harrison, was in favor of it. In order to place the President in the proper light a bill was introduced in the House of Representatives for what was denominated a "fiscal bank." From this bill all the objectionable features which the President had found in the previous one were cut out. It passed both Houses, and the President vetoed it. The Whig Party then declared war upon him; his Cabinet was dissolved, and all except Daniel Webster retired. Walter Forward became Secretary of the Treasury; John C. Spencer, Secretary of War; A. P. Upshur, Secretary of the Navy; Charles A. Wickliffe, Postmaster-General, and H. S. Legare, Attorney-General.

In 1841 a peculiar incident, which for a time threatened the relations between England and the United States, occurred in Niagara County, N. Y. Reference to the rebellion in Canada of 1837-38 has been made in its proper place. When the steamer "The Caroline" was taken by the Canadians and sent over Niagara Falls, Colonel McNab was in command of the British forces, and had ordered the seizure of the vessel. A fight had occurred at the capture of "The Caroline," during which a man named James Durfee, an American, was shot dead. In January, 1841, a Canadian named Alexander McLeod was over in Niagara County, and there boastfully declared that he himself had shot Durfee. He was arrested upon the charge of murder and lodged in the Lockport jail, and such was the bitterness of feeling against him that the citizens would not allow him to be bailed out, notwithstanding that McLeod was a dissolute fellow, given to drink, and seemingly had proclaimed himself the slayer of Durfee in a boastful mood. As soon as the imprisonment of McLeod came to the knowledge of the British government it declared that England fully recognized the seizure of "The Caroline," and was responsible for the consequences which might result from it. The British ambassador at Washington officially communicated this avowal of his government to

Daniel Webster, then Secretary of State, and made a formal demand upon him for the immediate release of McLeod. Webster admitted the justice of the claim, but declared the national government had no authority to interfere with the affairs of an independent State. In the meantime McLeod had been indicted by the Grand Jury, and the case came up before the Supreme Court at Utica. The question was, should McLeod be held or set at liberty? Judge Cowen, to the surprise of many of the best lawyers in the nation, decided that the prisoner ought not to be discharged from imprisonment until he should be tried by a jury of the country. He was severely criticised by many, notwithstanding the high judicial position which he held, and it was not forgotten that he had been a sympathizer with the Canadian rebellion, which sympathy might have influenced his legal mind. The public mind seems slow to realize that judgeships are political offices and that judges are only men. McLeod's trial was transferred to Oneida County, and it finally turned out that McLeod had nothing whatever to do with the killing of Durfee; that his words had been but foolish boast, and he was consequently acquitted.

The election of November, 1841, resulted in the complete, although unexpected, triumph of the Democratic Party in the State. The principal cause of the defeat of the Whig Party was the rapid accumulation of the State debt, against which the newspapers had made a loud outcry, demanding retrenchment. Also, Governor Seward was considered too radical in his political views by influential Whigs in different parts of the State, and what was called the treachery of President Tyler had estranged others.

The New York Legislature of 1842 contained a number of men whose names were destined not only to become prominent in their own day, but which have stood the test of time. Among them were Horatio Seymour, John A. Dix, George R. Davis, Calvin T. Hurlburt, Halsey Rogers, Levi S. Chatfield and others of but little less note.

Although this is a history of the Democratic Party of the State, a somewhat extended chapter is devoted to the régime of Governor Seward because during that régime the Democratic Party regained control of the State Legislature; because of the conflict between the Governor and the Legislature, and because, under Governor Seward,

the credit of the State sank to the lowest point it has ever experienced, from which condition it was redeemed mainly by the Democratic Party.

In 1841 a law had been passed and was approved by the Governor transferring the appointment of receivers of insolvent corporations from the Chancellor to the Bank Commissioners. Early in 1842 a bill passed both houses repealing this law. The Governor signed the bill, but returned it to the Senate accompanied by a message demurring against the bill which he had signed. The message was stricken from the minutes after considerable discussion of the Governor and his act. A few days later the Governor sent another message to the Senate declaring that he regarded their act as a dangerous invasion of the rights of the executive department. This message, by a party vote, was returned to the Governor.

Outside of party measures, the great question which engaged the attention of the Legislature of 1842 was that in relation to the financial condition of the State. The State was at that time in a condition which can be described only as bordering on bankruptcy. During the greater part of the year 1841 it had been impossible to negotiate permanent loans, except at a ruinous rate of interest. Six per cent. stocks had fallen twenty per cent. below par; large loans were not only due, but the State was in arrears to contractors, some of whom, because they could not get their money, were compelled to borrow on their own credit in order to pay their laborers. As is always the case under such conditions, capitalists became alarmed, and some of them refused to lend money to the State on any terms. In this condition of things the State officers were obliged to raise money on short loans, in order to prevent the suspension of public work and a total wreck of the credit of the State. Flagg, the new Comptroller, was appointed on February 7th, and on the 15th he made a statement to the Assembly which resulted in the passage of an act, the principal features of which were: First, that the expenditures of the State must cease; Second, a tax of one mill on the dollar on the assessed value of all taxable property, one-half of this tax to go to the general fund, the other one-half to the Canal Commissioners for the aid of the canal fund. This tax was to be collected during the years from 1843 to

1846, inclusive. Third, the funds subject to the legal control of the State should be collected and invested in such loans as the Legislature shall authorize to meet the pressing demands of the canals for 1842.

The result of this statement to the Legislature by Comptroller Flagg was "An Act to Provide for Paying the Debt and Preserving the Credit of the State." The passage of this act, together with the appointment of Flagg as Comptroller, who was a very conservative man, produced an immediate effect for the better upon public credit, and it was not long before confidence in the soundness of the financial system of the State was restored.

In 1841 Arphaxad Loomis introduced into the Assembly what became known as "The People's Resolutions." Not meeting with success in that year, he again introduced them in the session of 1842, when they were again defeated. These resolutions, no doubt, had considerable to do in aiding the restoration of confidence in the financial condition of the State, but, moreover, their spirit, and to a great extent their very words, were adopted by the Constitution of 1846, which will be referred to in its proper place.

During the session of 1842 the Democratic Party, which had again become strong in the Legislature, divided into two wings, known as the Barnburners, or Radicals, and the Hunkers, or Conservatives.

The Barnburners were followers of Martin Van Buren, and received their name because they were compared to a farmer who burned his barn in order to free it from rats. Later they became known as the "Softs," or "Softshells."

The origin of the name "Hunkers" is uncertain. But it seems that the name was intended to convey the meaning "all right." This is in keeping with the old-time phrase "he is all hunk," or the other form, "he is all hunky dory." This meaning of the term is confirmed by the fact that the Hunkers were the conservative or safe wing of the Democratic Party. The name has at various times been applied to the conservative element in the Democratic Party in other States of the Union.

These two divisions in the Democratic Party first began to act independently in the winter of 1842, and about the same time the Whig Party showed evidences that it was also splitting in twain.

Seward and his friends were radical in their political principles, were favorably disposed toward foreigners, and especially toward Irish immigrants, and were tolerant of the principles of the Abolitionists. The other faction of the Whig Party was conservative, and exhibited a strong tendency to retain things just as they were.

The Democratic State Convention of 1842 was held at Syracuse on September 7th. William C. Bouck and Daniel S. Dickinson were nominated by acclamation for Governor and Lieutenant-Governor, respectively. Apart from his popularity as a sterling Democrat and an able man, Bouck controlled a large following through his connection with the Erie Canal. Dickinson, who was a resident of Binghamton, had for a long time been an ardent supporter of the New York & Erie Railroad, and this also added to his strength.

The Whig convention was also held on the seventh of September, and nominated Luther Bradish, the then Lieutenant-Governor, as their candidate for Governor, and Gabriel Furman of Kings County for Lieutenant-Governor. This convention also adopted a resolution condemning the State tax and the suspension of public works, no doubt considering this a strong bid for public approval.

In 1842 the Abolitionists declared themselves as a distinct and separate party. Up to that date they had made it a practice to vote for the candidates who declared themselves most warmly in sympathy with the principles of the Abolitionists. In that year, however, they nominated Alvin Stewart as their candidate for Governor. They also held a general convention, and resolved to nominate candidates of their own in the towns and counties throughout the State.

The election resulted in the complete triumph of the Democratic Party in the State. Bouck received 208,072 votes; Bradish, 186,091; Stewart, 7,263. These figures show that the Abolitionist Party was not very strong, while Bouck carried the State by almost 22,000 votes.

CHAPTER XIII.

Governor Bouck's Administration—Resolutions of Radical Convention of 1843—Questions Before the Senate—The Baltimore Convention—Democratic State Convention of 1844—Silas Wright Nominated for Governor—Life of William C. Bouck.

ON January 1, 1843, William C. Bouck began his régime as Governor of the State of New York, and the Legislature assembled two days later.

Governor Bouck's message to the Legislature gives an indication of the bitterness of party spirit at that time, for the Governor deemed it necessary in that document to call upon the Legislature to lay aside party interests and co-operate with him in placing the public welfare above all other considerations.

He also attacked the Federal government in his message, and asserted that several unwarrantable assumptions of power had been exercised by the national administration. He declared that the right to collect money from the people in any form for the purpose of distributing it among the several States had not been delegated to the general government. Congress had passed a bankruptcy law, by which a debtor could be discharged from his debts without the consent of his creditors; this, Governor Bouck declared unconstitutional.

On the Virginia controversy he claimed that this State was bound by compact not to screen a transgressor of the criminal laws of other States, thus taking a stand exactly opposite to that taken by Governor Seward, so far as related to giving shelter to men accused of slave-stealing.

The Governor was in favor of prosecuting work on the canals, but he was particular to assert that such work should be carried on strictly within the financial ability of the State. The recent embarrassment of the State's credit was a warning to all men to be cautious.

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WILLIAM C. BOWNE
1840



WILLIAM C. BOWNE

During Bouck's term as Governor a new schism was produced in the Democratic Party. The Governor was not a strenuous character. It is not easy at this day to find any fault with him, although in his own day many of his friends censured him. To-day he is one of the least known of the Governors of the State. While he may have possessed qualifications to make a statesman, he was a failure as a politician. He was consistent and honorable, but he was weak as a leader of men. That he possessed superior intelligence is unquestionable, because, with only a moderate education he rose to be Governor of the State. Having reached the Governor's chair, he shrank from some of the responsibilities which that position imposed upon him, that is, if he were to continue to be a party leader. When he was elected there was some disaffection against him in the Democratic Party; this he lacked the tact to remove. The trouble was aggravated over the question of appointments. The clamor for office swept him off his feet, and, instead of making appointments himself, and so retaining complete control of the patronage with which the Constitution had invested him, he made his appointments from candidates recommended by county conventions or by members of the Legislature. So it happened that office-holders were selected from among his enemies as well as from among his friends. He still retained his enemies, and his friends were dissatisfied with his weakness in appointing to office men who were opposed to him. It is a good principle that a subordinate must be in accord with his chief, if harmony is to prevail and success assured. How can a subordinate faithfully and earnestly carry out the ideas and wishes of a chief when he is opposed to his ideas and wishes? Various controversies grew out of these appointments. There were collisions between the Governor and the Legislature. The wrangle caused over the appointment of a State Printer as the successor of Thurlow Weed occupied more public attention during the winter of 1843 than any State question. Edwin Croswell had been the State Printer from 1823 until his removal by the Whigs in 1840. Thurlow Weed was appointed in his place. In 1843 the Democrats decided to depose Weed, and Croswell made a persistent attempt to secure his own appointment. Some members of the Legislature were in favor of H. H. Van Dyke

for State Printer, and a war resulted over the whole question, but the outcome of it finally was that the Senate and Assembly had each separate printers.

During the session of 1843 A. B. Dickinson charged that Governor Bouck, while Canal Commissioner, had expended more money in enlarging the Erie Canal between Albany and Schenectady, and in erecting ornamental works than was necessary. It was never made to appear, however, that any very large sum of money had been expended on that part of the canal, and a committee of three which had been appointed to inquire into the charges made by Dickinson failed to find any improper conduct on the part of Governor Bouck.

During the session of 1843 a bill was passed abolishing the office of Bank Commissioner. The bill was principally passed by the Whigs and Radicals, and the Hunkers charged that the course pursued by the Radicals on the question originated from a desire to curtail the patronage of the Governor. At the same time, it gave additional power and influence to the Comptroller, on whom, through the provisions of the bill, the principal duties performed by the Bank Commissioner devolved.

The Legislature adjourned on April 18th. Notwithstanding that considerable bitterness had at times prevailed during the session between the Democratic members, a caucus was held on the evening before adjournment, at which resolutions were adopted, one of which recommended the support of Martin Van Buren for the office of President of the United States.

The charter elections of both Albany and New York gave the Democrats handsome majorities in 1843.

On September 5th a Democratic convention assembled at Syracuse to elect delegates from the State of New York to represent the Democratic Party of the State in the national convention, which was to be held at Baltimore to nominate a President and Vice-President of the United States. The delegates elected were instructed to support Martin Van Buren for President.

In November, 1843, a Radical convention, held at Albany in the interests of constitutional reform, passed the following resolutions:

"Resolved, That we believe the Constitution of this State needs revision and vital and elemental modifications, both in the extent of the

power to be delegated by the people and in the manner of its administration; that these changes include the entire prohibition of the right of government to entail a public debt upon the people, except in time of war or insurrection, without their consent expressed directly through the ballot-boxes; and also the right to erect privileged incorporations, the members of which shall enjoy a dispensation from the ordinary obligations of debt; that they also contemplate the limitation of the central power of government by the return to the people in their town and county organization, first, of the power of the Legislature over matters of merely sectional interest, and, second, of the power of the executive over the local administrative and judicial officers of the State; that they contemplate also such a modification of the State judiciary as shall ensure to the people a cheap and prompt administration of justice, and dispense with the necessity of a tribunal of last resort, armed both with judicial and legislative power, and using one to justify and fortify the other.

“Resolved, That we seek these changes through the agency of a convention, constituted by law, and representing the whole people; because repeated, unavailing efforts by the people have shown that it is hopeless to seek of the representative body the limitation of its own power; because the combinations of local and corporate interests in that body are already armed, by the Constitution, with a *veto power* against the people, which will almost inevitably defeat the popular will; because we believe, with Jefferson, that a solemn opportunity should be afforded to each generation to reconsider and revise the charter of their rights and liberties, to accommodate it to the circumstances in which they live, and to renew in its behalf the expression of their loyalty and devotion.”

In his message to the Legislature of 1844 Governor Bouck said: “The means of doing anything more at this time than making all needful repairs and keeping the canals in good navigable condition cannot be obtained without increasing the present State tax or discrediting the public faith. The former I deem highly inexpedient, and the latter entirely inadmissible.”

This allusion by the Governor to the canals, and indeed it may be considered as referring to all public works, indicates well the condition

of the State at that time. There were those who favored rescinding the act of 1842, which curtailed the expenditure on public works, while others were in favor of reducing the State debt and more firmly re-establishing its credit, so recently endangered. The Governor seems to have endeavored to pursue a cautious middle course between the two extreme sections of his own party.

For some time an agitation had been growing in favor of a revision of the State Constitution, and many advocated the holding of a convention to consider what changes should be made. The Governor in his message of 1844 gave a good deal of attention to this subject. The principal points upon which changes in the Constitution were demanded were: First, an increase in the judicial force and a different organization of the courts. These changes, it was maintained, had become necessary through the increase in population and business of the State. Second, it was maintained that some restrictions ought to be placed on the power of the Legislature to loan either the money or the credit of the State to corporations, or to increase the public debt by undertaking to build new roads or canals. In these ideas the Legislature itself generally concurred, but there was so much difference of opinion as to details that no specific proposition could be agreed upon to submit to the people. The Governor in his message debated against the call of a convention. He admitted that the Constitution required amendment, but he contended that all necessary amendments could be made if the proper spirit of compromise should prevail. He contended that the calling of a convention was unconstitutional.

For some time the Radicals, or Barnburners, as they were more popularly known, had entertained an idea that an association had been formed, of which Governor Bouck was the head, the object of which was to change the policy established by the act of 1842. The Hunkers denied that there was any such combination, and it is doubtful if it ever existed, and if it did the number of its members was quite limited.

The two important questions which occupied the attention of the Legislature of 1844 were: First, the amendments to the Constitution; and, second, the financial and internal policy of the State.

At this session of the Legislature resolutions were introduced in favor of a reduction in postage. These resolutions were, in substance,

ultimately adopted by the United States Congress, and were carried through by the votes of Northern members, every member from a slave State voting against the measure.

The subject of increasing the expenditures for internal improvements by a partial resumption of public work was brought before the Senate in the early part of the session. The spirit of this resolution was antagonistic to the policy adopted in 1842, and it received very little favor in the Senate, although large petitions for a resumption of public work were presented to the Legislature. However, two lengthy reports were laid before the Legislature, one from the Canal Committee to the Senate, and the other from the Canal Committee in the Assembly. The former was written by Mr. Dennison, and the latter by Horatio Seymour. Seymour introduced, along with his resolution, a bill which provided for the carrying on of repairs and improvements on the Erie Canal. On some points it conflicted with the act of 1842, but finally passed both the Assembly and the Senate.

During this session several amendments to the Constitution were proposed and adopted by the joint resolution of both houses. But all bills proposed, either by the Whigs or Democrats, looking toward the calling of a convention, came to nothing.

One of the last acts of the Legislature of 1844 was to pass a bill abolishing the office of non-acting Canal Commissioner, and providing that there should be but four commissioners, who should be elected by the people.

During that session of the Legislature the members were practically divided into three parties, the Whigs and the two sections of the Democratic Party, between which there were many bitter strifes and altercations.

The Democrats held their usual annual caucus just before the adjournment of the Legislature, and some resolutions were adopted, but those which approved of the official conduct of Governor Bouck and Lieutenant-Governor Dickinson met with opposition, and considerable bitterness was engendered. The resolutions were finally adopted, but the next day a score or more Democrats wrote to the chairman of the committee appointed to publish the address and resolution that their names must not be attached to it. In this way the Democratic mem-

bers of the Legislature of 1844 separated and returned to their several constituencies, many of them bearing with them bitter recollections of the session just closed, and robbed of a part of the enthusiasm which was more than ever necessary in that year. This want of harmony manifested by the public men at Albany spread all over the State, and not only did great harm to the Democratic cause, but weakened Van Buren at the Baltimore Convention, which was to be held within three weeks of the date of the dissolution of the Legislature.

The delegates to the Baltimore Convention had been chosen during the winter, and a large majority of them had been instructed by their respective State conventions to vote and work for the nomination of Martin Van Buren for President. In the early part of the spring of 1844, however, a question arose in the South which gradually began to lessen his chances. This was the question of the extension of slavery by the annexation of Texas. The South had thoroughly determined upon this project, but throughout the Southern States it was supposed that Van Buren would oppose it. His opponents in the South, therefore, set about, very skillfully, to procure his defeat. In February, 1843, they procured from Andrew Jackson a strong letter in favor of the annexation of Texas. This letter they intended to use just before the convention, as was said "To blow Van Buren out of the Water." The letter was first published in March, 1844, and Van Buren was specifically asked by one of the Southern delegates to declare himself as to whether he was in favor of the annexation of Texas or not. Van Buren replied, admitting that his views were different from those of many of his political friends, that he would stand upon the decision of his administration of 1837, which had decided against the annexation of Texas, but that he would yield upon that question if, after the subject had been thoroughly discussed, a Congress chosen with reference to the question indicated that the popular will was in favor of it. Van Buren's attitude at the time was strong and consistent, but he was wrong. Not because he threw away his chance for the Presidency, but because Texas was shortly afterwards annexed, and his throwing himself under the wheels of the political juggernaut did not retard the movement in the direction of annexation, while it injured himself.

As soon as the Baltimore Convention assembled a motion was intro-

duced that a two-thirds vote would be required for a nomination, and the contest over this motion was the real contest of the convention. Van Buren had a majority of the delegates, but not two-thirds, and under this rule the Southern delegates who were pledged to him could escape from their obligation. The two-thirds rule was adopted by a vote of 148 to 118; of the negatives, 104 votes were from the Northern States. Fifty-eight "Northern men with Southern principles" voted with ninety Southerners to carry the motion. It was really a vote on the annexation of Texas, which carried with it the extension of slavery into new territory. On the first ballot Van Buren received 146 votes, which left him eight to spare over a majority; on the second ballot Van Buren's vote had shrunk to 127, and on the seventh ballot had dwindled to 99. A motion was made to have him declared the nominee as the choice of the majority of the convention, and this precipitated a scene of fury. Taunts were hurled back and forth between Northern and Southern delegates; bitter accusations of treachery were made against those who had pledged their support to Van Buren, and Samuel Young, of New York, declared that the "abominable Texas question," thrown among them by the "mongrel administration at Washington," had produced all the trouble. The motion was ruled out of order, and the name of James K. Polk, of Tennessee, was presented to the convention. The New York delegation withdrew for a time and returned during the time the convention was taking the ninth ballot. Daniel S. Dickinson cast New York's thirty-five votes for Polk, saying that he "loved this convention because it had acted so like the masses." Silas Wright, of New York, was nominated for Vice-President, but he promptly telegraphed his refusal, and explained his action by saying to his friends, "I do not choose to ride behind on the black pony." George M. Dallas, of Pennsylvania, was substituted for him.

Henry Clay was nominated by the Whigs for President, and T. Frelinghuysen for Vice-President. Polk received 170 votes in the Electoral College and Henry Clay 105.

Van Buren supported the Democratic ticket, and was faithful to his party throughout the campaign. His friends saved New York State, but they doubtless voted more in support of Silas Wright, the candidate for Governor, than they did for the presidential candidate. More-

over, while standing by their party, they virtually voted for the annexation of Texas, because that was what Polk represented.

Although Van Buren was in favor of the re-election of Bouck while his own prospects of receiving the presidential nomination were bright, the State officers and their friends were generally opposed to Bouck's renomination. The Governor's enemies maintained their position, and Van Buren naturally lost interest after the result of the Baltimore Convention. The one man in the State whom the Democrats felt that they could best unite upon was Silas Wright, then United States Senator. Wright had refused to be a candidate for Governor out of deference to Martin Van Buren. He had also declined to accept the appointment as judge of the Supreme Court; he had been nominated for the office of Vice-President, and had declined, and the opportunity which his friends now offered him of becoming Governor of the State seemed to have been outweighed by the fact that, in entering the contest for that position he would be giving support to Polk, who had deposed his own great friend. Besides, he seems to have been very well pleased with the office of United States Senator, and there were few abler men in that body during his day.

Before the Baltimore Convention Martin Van Buren was in favor of the re-election of Bouck as Governor, afterward he was in favor of Silas Wright. Bouck was himself inclined to withdraw from the contest, but many of his friends, believing he could still succeed, urged him to remain in the field.

The Democratic State Convention of 1844 met at Syracuse on September 4th, and when the issue between Bouck and Wright came to a vote there were 95 votes for the latter and 30 for the former, whereupon Silas Wright's nomination was made unanimous on the motion of Horatio Seymour. Addison Gardiner was placed upon the ticket for the office of Lieutenant-Governor.

Although this did not end the struggle, it ended Bouck's advancement in State politics, and at this juncture a short history of his life is appropriate.

William C. Bouck was born in the county of Schoharie. His father was a farmer and owned a farm on the banks of the Schoharie Creek. The family was of German origin. Governor Bouck was

reared on the farm and, although he received a fairly good English education, was more familiar with work than with literature during the years of life in which men usually lay the foundation of their education. The county of Schoharie in that day can scarcely be said to have been in touch with the rest of the world, so that Bouck must have been possessed of more than ordinary native ability in order to become one of the leading public men of the State, and ultimately its Governor. No sooner had he attained to manhood than he became a leader among his neighbors and friends, and while he was yet a young man he was appointed the sheriff of Schoharie County. He discharged the duties of that office in a manner to increase his reputation, as well as the number of his friends, and through this public office naturally became more widely known. Upon the expiration of his term as sheriff he was elected a member of the State Assembly, and in 1817 was chosen one of the Senators from what was then called the Middle District. He seemed to make a friend of almost everybody he met. The more widely he became known the greater became his popularity. In 1821 he was appointed Canal Commissioner by the Legislature of the State, and for many years he discharged the duties of that office in a manner which convinced all of his thorough integrity. He not only made the interests of the public his first consideration, but, what is more remarkable, the people were convinced of this fact. The consequence was that he made many ardent and zealous friends in all the counties bordering upon not only the Erie, but the Genesee Valley and Black River canals, and it was mainly owing to the exertions of these friends that he received the nomination for Governor. He was the first Governor of the State who had not been educated as a lawyer. He became Governor at a very trying time. The credit of the State was in a desperate condition, and a majority of the Democrats were in favor of retrenchment. The people who lived along the canals and who were interested in seeing the work upon these waterways prosecuted were opposed to the principles of economy which the State was inaugurating. Bouck practically owed his position as Governor to his friends, who were also friends of the canals, yet he knew that the majority of the Democrats of the State were not in accord with those friends on the canal question. He did not wish to

antagonize either party, and the result was that he endeavored to take a middle course, which naturally pleased neither party, and he did not receive a second nomination for Governor. Had he taken a strong stand on either side he might have added to his reputation as a determined and energetic man, but it is doubtful if such a course would have affected his future career, as he would have estranged a large number of Democrats, no matter which side he took. He was, however, well thought of by the national administration under President Polk, and it is even asserted that he was partially instrumental in procuring the overthrow of Silas Wright through his alliance with the central government. He is said to have been an upright and honest man, who was always faithful to his friends. His seeming failure in the gubernatorial chair resulted more from a desire to please everybody than from want of ability or intelligence.

LIFE OF MARTIN VAN BUREN.

THE imperial State of New York has produced many great men, and one of the greatest among them was unquestionably Martin Van Buren. As a master of affairs, it is doubtful whether this country has ever seen his superior. His mind was not only keen, but broad, with varied and complex capacities seldom united in the same individual. Granting that he was subtle rather than masterful, it does not detract from his strength; it was rather a higher manifestation of power. Indeed, his reputation for astuteness and cunning was simply a recognition of his superlative common sense. He made no parade of strenuousness, and never indulged in heroics, but without any fanfare of trumpets or beating of drums he achieved results just the same. He had a sound mind in a sound body; he was not a dreamer, and he indulged in no illusions, having the rare faculty of being able to see things as they are and to correctly estimate their weight and force. This was the true magic which made him seem like a wizard to his contemporaries, friends and foes alike.

Of his patriotism there was never any question, and of his courage none of our statesmen ever gave a higher exhibition or a stronger proof than he did in his famous letter regarding the annexation of Texas. For it was this letter which cost him the Democratic nomination for President in 1844, a nomination which would not only have insured him another term in that great office, but would have been a vindication that he would have prized beyond measure, after his undeserved defeat four years before.

As a politician, using that term in its largest sense, it is doubtful whether Mr. Van Buren ever had a superior, in any age or in any land. In winning the favor and gaining the confidence of his fellow-men his success was truly phenomenal. He held all the greatest offices under our government, President, Vice-President, Secretary of State,

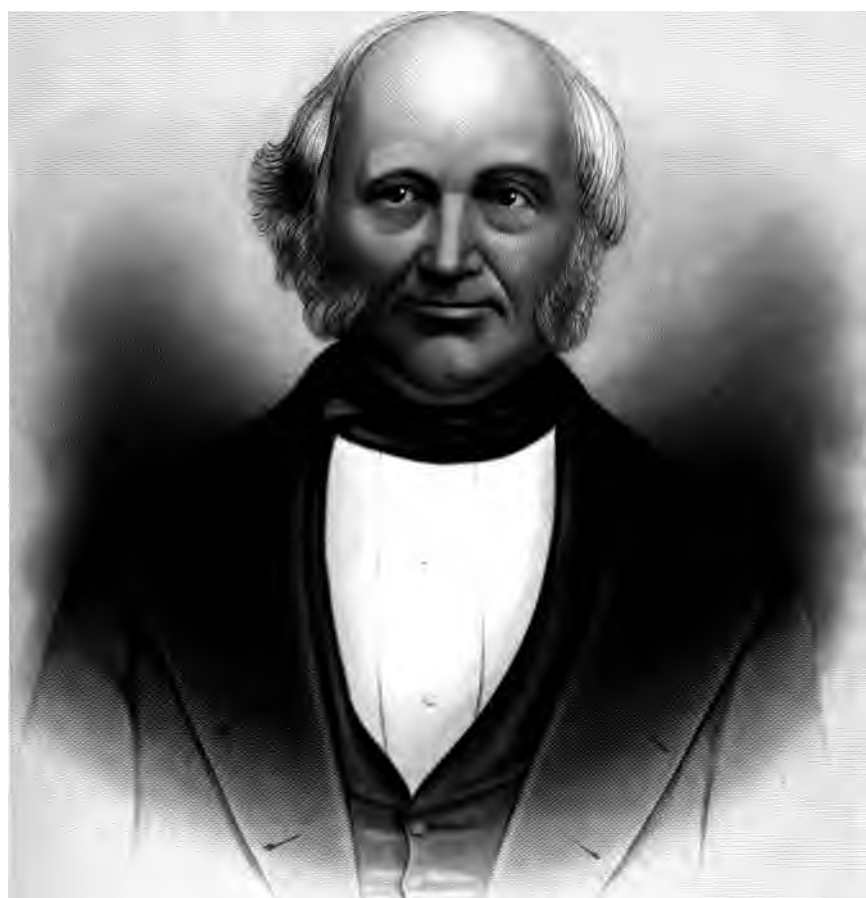
Minister to Great Britain, United States Senator and Governor of New York, the only statesman in American history who ever filled all these posts. From the very outset of his public career he was in personal contact with the ablest men in the country. He was an important factor in the overthrow of Aaron Burr, one of the keenest and craftiest of American politicians, and one who had waged an almost equal conflict with Jefferson himself. He was the intimate friend and supporter of De Witt Clinton and Daniel D. Tompkins in State politics, and the recognized leader of such giants as Silas Wright, William L. Marcy, John A. Dix and Daniel S. Dickinson. He succeeded John C. Calhoun as Vice-President, and overthrew that subtle and brilliant champion of nullification. He was probably the most intimate and trusted friend of the great and heroic President of the people, Andrew Jackson.

That Martin Van Buren rendered his country illustrious services is not disputed. As Minister to England, a position in which he has to stand comparison with the most skillful and masterful diplomatists of Europe as well as our own country, he stands in the first rank. As one of the Fathers of the Democratic Party the highest praise is no more than his due. When the system of human slavery became a political power, Martin Van Buren was one of the first and ablest of its opponents. His active political career extended through almost half a century, and probably no one of his contemporaries wielded a greater power in shaping our national life through all these years.

It must be admitted, however, that, for his own fame, Van Buren lived too long. After he was defeated for the nomination for President in 1844, unjust as was the treatment he received, he did not bear his defeat with the dignity that would have been becoming to so great a man. His provocation was unquestionably very great, but the selfish revenge he wreaked upon his party, that had given him its highest honors, by causing its defeat in 1848, savors of smallness, and it would not have been possible in a nature that was truly great. It brought its own punishment, however, for it not only smirched his fame but it destroyed his power, leaving him a querulous old man, merely looking at the stage on which he had for a generation played so great a part. A political "kicker," to use an expressive term in the slang

profession. He soon outgrew the professional limitations of Kinderhook. He had been admitted as a counselor of the Supreme Court in 1807, and he very happily celebrated this promotion by marrying Miss Hannah Hoes, a young lady of his own age, and also of Dutch descent, a kinswoman of his mother. In 1808, the Council of Appointment having become Republican, he was made Surrogate of Columbia County, at the age of twenty-six, succeeding his partner, Van Alen, who was a Federalist. Within a year he removed to Hudson, which afforded a much wider field, and he practiced his profession with a rapidly growing business for seven years, acquiring a high reputation in his profession. At this time he may be said to have become firmly established as a leader, both in his profession and in his party. He evidently realized both his present strength and his capacity for growth. He had also, through his strong common sense and native shrewdness, attained financial ease, if not financial independence, and it is worthy of note that he purchased a large and valuable library and, by diligent study, sought, with success, to make up the deficiency of his early educational opportunities. Indeed, he became one of the best informed of all our great public men.

For many years Van Buren's growth and development in law and in politics kept fairly equal pace. In 1813 he was elected a member of the State Senate, a body which at that time also exercised judicial functions. At all events, the Senators were *ex-officio* members of the State's Court for the Correction of Errors, the tribunal of last resort, the other members being the Chancellor, the Judges of the Supreme Court and the Lieutenant-Governor. While still Senator, Van Buren was, in 1815, elected Attorney-General, one of the great offices of the State government. Here he added to his reputation and his power, continuing in office until 1819, when that strange and unique fountain of official honors, the Council of Appointment, was captured by the Federalists, and he was removed. For, although that slogan of political warfare, later enunciated by Governor William L. Marcy, one of New York's greatest Democrats, "To the victors belong the spoils," had not yet been heard, the doctrine it proclaimed had long been in force in the Empire State. In 1816 the rapidly rising party leader removed to Albany, where he made his home until appointed Secretary



WILLIAM HENRY BURTON.



of State by President Jackson, in 1829. Soon after coming to Albany he admitted to partnership another brilliant lawyer from Columbia County, Benjamin F. Butler, afterward Attorney-General of the United States, and a lawyer whose ability won for him a national reputation.

In 1819 Van Buren's domestic life was broken up by a great sorrow. His wife died at Albany in 1819, leaving him four sons. It is proper to say in this place that this great statesman's family life was a model of purity and affection. He was devotedly attached to his wife, and remained always loyal to her memory during the forty-three years that he survived her. In all the bitterness and rancor of the constant political strife in which he was engaged, no enemy ever breathed a suggestion of an attack upon the purity of his private life, which was in every way above reproach. In 1821 he was elected to the United States Senate, and at once became an important and imposing figure in national politics. He did not definitely abandon the practice of law until seven years afterward, when he was elected Governor, but upon his entrance to the United States Senate his whole time was practically devoted to public affairs for more than a quarter of a century.

It is not necessary to give in this biographical sketch an account of the politics of the State of New York during the formative and stormy period of a quarter of a century in which Van Buren bore so large a part. That has already been done in the historical part of this work. The original division into Republicans and Federalists, though it remained throughout the country at large, had been greatly modified in New York by the appearance of various factions and subdivisions, some of them both long-lived and powerful. The Federalists became such a weak minority after the first election of Jefferson, and especially after the death of Hamilton in 1804, that the Republican Party made a fertile field for the development of factional differences. Each of the great leaders had his own special brand of Republican followers, though the most conspicuous were the Clintonians, the Livingstons, and the Burrrites, who were devoted to the fortunes of Aaron Burr until he became a negligible factor after his defeat for Governor in 1804, and his killing of Hamilton in a duel in the same year. Van Buren was for a time a Clintonian, the faction to which most of the

powerful party leaders belonged. The Federalists became so impotent that they hardly attempted independent action for many years, simply allying themselves with one or the other faction of the victorious Republicans. As family quarrels are the bitterest of all, and as the wranglings of party factions are the most intense and vituperative known to politics, the strenuousness of the feuds between the leaders, and even the members of the factions of the dominant party in the State of New York during the first quarter of the nineteenth century, has seldom been approached in our political history. But it is worthy of remark that although Van Buren was one of the most formidable and most feared of all the leading politicians, no charge was ever brought against his official or personal integrity.

As but few Americans have ever given themselves up so completely to public affairs as Van Buren did during the average lifetime of a generation, so no one has ever shown greater skill or reaped a larger measure of success. His views were always clear upon public questions. He held convictions, very strong convictions, upon all political matters, and he never concealed them. He did not carry around a "big stick," and had never heard of the "strenuous life," but he never ran away from any sort of political disturbance. He also had the noble quality of always being true to his friends. Nor was he ever the bitter, relentless, proscriptive partisan that his political foes were so fond of picturing him. The famous Albany Regency, of which he was a member, did not begin the work of political proscription. Its founders, DeWitt Clinton and Ambrose Spencer, were long his political enemies. On the other hand, Governor George Clinton, with whom Van Buren acted, had the honorable record of never having consented to a political removal during the eighteen years that he filled the office of Governor of New York. In November, 1812, Van Buren voted in the Senate for presidential electors favorable to the election of DeWitt Clinton, as against Madison, the ground for this action being that the Republican Party of New York had regularly declared for Clinton. He and Clinton were soon after personally estranged, and their friendly relations were never resumed, though Van Buren paid a pathetic tribute to his former friend after Clinton's death in 1826. Van Buren also favored the Erie Canal, the completion

of which is Clinton's strongest title to fame. In 1813 Van Buren warmly supported the re-election of Daniel D. Tompkins for Governor, and prepared a clear and forcible address to the Republican voters in his behalf. It should be borne in mind that there was a strong opposition to the War of 1812, then in progress, and this address did much to strengthen the war sentiment. In the election of April, 1814, Van Buren was the acknowledged leader, and the country pronounced definitely in favor of a strong war policy. Van Buren's "Classification Act" was declared by Benton, in after years, to have been "the most energetic war measure ever adopted in this country." Upon his advent in the United States Senate in 1821, at the beginning of Monroe's second administration, and during the reign of "the era of good feeling," which had given that splendid President a unanimous re-election, Van Buren was received as the recognized leader of his party in the greatest State in the Union. In 1821 he was a member of the New York Constitutional Convention, in which he added to his reputation as a wise, progressive statesman, yet one whose conservative judgment defeated all wild, radical schemes, which were many at that time. In March, 1822, he voted in the Senate for a proviso in the bill creating the new Territory of Florida, by which the introduction of slaves was forbidden, except by citizens removing there for actual settlement, and by which slaves introduced in violation of the law were to be freed. This proviso was defeated, but Van Buren's vote in its favor shows that even at that early day his sympathies were opposed to the encroachment of the slave power, and that he had the courage to voice his convictions by his vote. He had not been long in the Senate before he was thrown together with Jackson and Benton, and the foundation of their lifelong intimacy and personal affection was no doubt laid at this time. Benton entered the Senate at the same time as Van Buren, and began his long and distinguished career of thirty consecutive years in that body.

Van Buren had a distinguished, although not a great, career in the Senate. He was there, as everywhere else, a leader, though party lines were not sharply defined so as to make his voice determine the action of a majority of the body. In fact, party lines were greatly confused and very indistinct, having been to a great extent submerged

and obliterated during Monroe's "era of good feeling." Midway in his term came the famous presidential contest in 1824, in which the four candidates all belonged, nominally, to the Republican Party. Van Buren supported Crawford, who had the regular nomination of the Congressional caucus; but of the 36 votes of New York, 31 were controlled by a union of the forces of Adams and Clay, and Crawford secured the remaining 5. It is said that he gained these only by the help of the Adams men. General Jackson, it will be noted, had none at all. After the election of Adams it was inevitable that party divisions should again arise, and it was during his administration that the new cleavage into Democrats and Whigs took place. In the formation of the Democratic Party Van Buren was unquestionably the most influential of any individual factor. Its great fundamental principle was that all political power rightfully resided in the people, and in all the people, and not at all in any oligarchy or aristocracy, or self-constituted, especially virtuous and intelligent class of people.

It is worthy of note that the probability that the Electoral College of 1824 would not give a majority to any candidate, and that the choice would thus devolve once more upon the House of Representatives, led to much discussion of a change to some better alternative method than the one provided by the Constitution, as modified after the Jefferson-Burr contest of 1801. Van Buren favored a plan which, like all the others, failed of adoption or even serious consideration, which yet seems to possess many desirable features. It provided that in case there was no choice by the electors they should be reconvened and directed to choose between the two candidates receiving the highest vote on the first ballot. This would not only be simple and direct, but it is in line with the avowed purpose of the framers of the Constitution to make the presidential electors really electors, and not mere dummies without any real power of choice.

No sketch of the life and work of Martin Van Buren would be complete without a paragraph devoted to the "Albany Regency," of wide fame. Probably no other coterie or ring of politicians ever became so well known to the country, or exercised so large an influence in public matters. It certainly was composed of Van Buren's followers, and it had its immediate field of operations at the State Capital. Its

enemies called its members "the conspirators." The leaders included William L. Marcy, then State Comptroller; Samuel A. Talcott, Attorney-General; Benjamin F. Butler, District-Attorney; Edwin Crosswell, State Printer; Roger Skinner, United States District Judge, and Benjamin Knowler, State Treasurer. Later were added Silas Wright, Azariah C. Flagg, Thomas W. Olcott and Charles E. Dudley, all skillful politicians and men of a very high order of ability and strong political convictions. They were all men of unquestioned integrity and undoubted patriotism. In 1830 John A. Dix gave as a chief reason for accepting office at Albany that he should there be "one of the Regency." His son, Rev. Dr. Morgan L. Dix, describes their "aggressive honesty," their refusal "to tolerate in those whom they could control what their own fine sense of honor did not approve"; and he quotes a remark made to him by Thurlow Weed, their long time and most formidable political enemy, that he "had never known a body of men who possessed so much power and used it so well." In his Memoirs, Weed describes their "great ability, great industry, indomitable courage." The successors of these original "Regents" were also of a very high type of public men, such as Horatio Seymour, Dean Richmond, Samuel J. Tilden and Daniel Manning. These Democratic sages and giants of a former generation certainly contrast very favorably with the Republican "bosses" of their party "machine" in these years of the new century.

As an illustration of Van Buren's broadmindedness in politics, and his freedom from the proscriptive spirit of the spoilsman, the pot-hunters of politics, he actively and earnestly promoted the re-election of Rufus King, the most distinguished Federalist in the State, to the United States Senate. His courage and his persistent opposition to the encroachments of the slave oligarchy are shown in his signing a call for a public meeting at Albany, while the struggle over the admission of Missouri as a slave State was in progress, to protest against extending the area of slave territory beyond the Mississippi River. It is no more than just to call attention to such concrete facts, to show that this great American was free from the charges made with such bitterness against him, that he was a spoilsman and a "dough-face." It is worthy of note, also, that almost every Democrat who

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has become a power in national politics has been subjected to similar malignant representation from their baffled opponents, as witness the opprobrium sought to be heaped upon Samuel J. Tilden, Grover Cleveland, Daniel Manning and David B. Hill.

Like all great Democrats, Van Buren was a "strict constructionist." That is, he favored a limitation of the powers of the Federal government to those directly and expressly conferred upon it by the Constitution, and that there was something much more than a meaningless generality in the words of that immortal document, namely, "The enumeration in the Constitution of certain rights shall not be construed to deny nor disparage others retained by the people." And "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." Believing thus, he was a consistent opponent in the Senate to all the schemes of internal improvements, not national in their purpose, by the general government. In December, 1825, he proposed a resolution "that Congress does not possess the power to make roads and canals within the respective States," and he was always a resolute opponent of all schemes to use the money which belongs to the whole people for the benefit of purely local interests, limited in their scope to a mere fraction of the people. This doctrine became one of the cardinal principles of the new Democratic Party, which took shape during his service in the Senate, and of which Van Buren was probably the most conspicuous and influential founder.

February 6th, 1827, he was re-elected Senator for another term of six years by a large majority of both branches of the New York Legislature. In his brief letter of acceptance he stated that it should be his "constant and zealous endeavor to protect the remaining rights reserved to the States by the Federal Constitution," and "to restore those of which they have been divested by construction." While in the Senate Van Buren, in the same line of opposition to the absorption by the Federal government of powers not expressly conferred upon it by the Constitution, pronounced against the United States Bank, foreshadowing the great conflict in Jackson's second administration, by which this citadel of the concentration of power in the Federal government was overthrown. He was neither a trimmer nor an oppor-?

tunist, but a bold and aggressive fighter against what he believed to be wrongful assertions and assumptions of power not granted by the Constitution.

The presidential campaign of 1828 was a memorable one in the political history of the United States. Jackson was the inevitable Democratic candidate, and with him was associated John C. Calhoun, renominated for Vice-President. In May, Van Buren, universally recognized as the chief organizer of the new party, appropriately styled the Democratic, and its leader in Congress, left Washington to return to his home in Albany. Jackson, who was also a Senator, had been greatly impressed with his ability, and, after listening to one of his speeches in the Senate, expressed himself in terms of strong admiration. Adams was the equally inevitable candidate of the opposition to the new political organization. The issues were sharp and clearly defined. The party of Jackson favored the strict limitation of Federal powers, jealous for local powers, opposed to internal improvements, and to the "Tariff of Abominations," as the act which Adams had signed was called. Adams led a party "strongly national in temper, with splendid conceptions of a powerful and multifariously useful central administration, impatient of the poverties and meannesses of many of the States." Jefferson had died in 1826, and in one of his last public utterances had declared himself in "the deepest affliction" at the usurpations by which the Federal branch, through the decisions of the Federal Court, the doctrines of the President and the misconstructions of Congress, was stripping its "colleagues, the State authorities, of the powers reserved to them." The new party was out of power, and some popular cry was needed to fire the hearts of the people. Van Buren, with unfailing wisdom and skill, grasped the situation. Much was made of Jackson as a great military hero, and the coalition between Adams and Clay, which had defeated him in 1824, when he was the popular choice, furnished an irresistible war cry. Van Buren took the nomination for Governor of New York and managed the campaign in a masterly manner. Adams was a genuine statesman of remarkable ability, but there was nothing, either in his character or his career, to awaken enthusiasm, and the avowed doctrines of his party, favoring the use of the national treasury to make local improvements,

and generally extending the Federal powers, alarmed many thoughtful and patriotic citizens. They felt then what has since become clear to every one, that to levy Federal taxes to construct works of purely local advantage, or to take stock in private speculations or enterprises, was fraught with great peril.

Jackson, as is well known, won a tremendous triumph, receiving a popular majority then unprecedented, with 171 electoral votes, to 83 for Adams. Van Buren was elected Governor of New York by a plurality of more than 30,000 over Smith Thompson, a Judge of the United States Supreme Court. He was inaugurated in January, 1829, and at once resigned his seat in the Senate. He delivered a striking inaugural address, declared by a historian, by no means too friendly to him, "the best executive message ever communicated to the Legislature." But his return to State affairs was of but brief duration. Jackson tendered him the position of Secretary of State, and March 12th he resigned the Governorship. His new appointment had been made March 5th, but he did not reach Washington until the 22d, and did not begin his duties until April 4, 1829.

As the head of the Cabinet, the leader of his party, the intimate friend of the great President, who regarded him not only with confidence in his judgment, admiration for his talent, and personal affection for his deference and unswerving loyalty, Van Buren became a great figure in the affairs of the nation. His sound sense, tact and courtesy enabled him to conduct the foreign relations of the country with dignity and success. As a matter of fact, Van Buren was a born diplomat, who could have easily held his own with the best of them that any country has produced. His unchallenged primacy incurred the disfavor of Calhoun, who aspired to succeed Jackson; but he was no match for the astute and imperturbable Secretary. Calhoun was serving his second term as Vice-President, and he aspired to succeed Jackson at the close of the latter's first term, as a third election to the Vice-Presidency was obviously impracticable. To let another man, whom he doubtless foresaw would be Van Buren, hold the second office during Jackson's second term, which was taken for granted, would place the South Carolina statesman at a great disadvantage. Van Buren, however, with the sound, practical sense which was char-

acteristic of him, knew that Jackson's renomination was as sure as any future event could be, and was far too shrewd to oppose it, even if he desired to do so, which is in the highest degree unlikely. Like all suave, politic public men, his reputation for urbanity was largely at the expense of his reputation for sincerity, but this seems to have been undeserved. While Van Buren was unquestionably what would be styled in the expressive slang of this day, "a very smooth proposition," or a very "foxy" politician, he never was charged with treachery, nor even disloyalty, but was always true to his friends and to his friendships.

In 1831, after serving two years in the Cabinet, Van Buren resigned, and in doing so frankly stated his reasons, chief among them being the desire that he might not stand in the way of his chief's renomination and re-election through any antagonisms toward himself, and virtually letting it be understood that he should aspire to succeed Jackson four years later. He did not propose, in short, that his own efforts to plan for securing the nomination in 1836 should be allowed to embarrass Jackson in his desire for a renomination in 1832. This was undeniably adroit, but it was honorable. Jackson accepted the resignation in a letter, in which he practically assented to Van Buren's candidacy to succeed him. Of all the instances of loyal attachments between public men, there is none more creditable than that between these two illustrious Democrats.

Van Buren's retirement from the Cabinet in June, 1831, was followed, on August 1, by his nomination as Minister to Great Britain. Jackson had taken pains to make his personal regard conspicuous by riding with his former Premier out of the city when the latter left Washington, and a few weeks later he conferred this new honor upon his friend. It was a recess appointment, so that it took effect at once, without waiting confirmation, and in September Van Buren arrived in London. He found the Legation in charge of Washington Irving, and the two became warm and lifelong friends. Irving had been appointed Secretary of the Legation by Van Buren, but had tired of it and had resigned; but he consented to remain, and did so as long as Van Buren continued as Minister. While they were thus associated Irving wrote: "The more I see of Mr. Van Buren the more I feel con-

firmed in a strong personal regard for him. He is one of the gentlest and most amiable men I have ever met with; with an affectionate disposition that attaches itself to those around him, and that wins their kindness in return." Van Buren and Irving posted through England together in an open carriage. Among the diplomats Van Buren met in London was Talleyrand, and these two masters of diplomacy, neither of whom probably ever had a superior, became mutual admirers of each other. Indeed, it was while getting ready to attend a party at Talleyrand's, in February, 1832, that Van Buren learned of the rejection of his nomination by the Senate. This rejection was a pitiable exhibition of political rancor and of personal spite and jealousy. It is a discreditable and shameful fact that it was not brought about by the work of narrow-gauge, small-fry politicians, either, but the leaders in this pitiful business were Webster, Clay and Calhoun. As to the manner in which the leading men in England regarded the outrage, Washington Irving said that, "to the credit of John Bull" he "was universally received with the most marked attention," and "treated with more respect and attention than before by the royal family, by the members of the present and old Cabinet, and the different persons of the diplomatic corps."

The anger of President Jackson was intense, and the indignation of the country was hardly less pronounced. The first national convention ever held by the Democratic Party assembled in Baltimore, May 21, 1832. On the first ballot for Vice-President Van Buren received 208 out of 283 votes. No platform was adopted by the convention. None was necessary. Jackson and Van Buren were a sufficient platform in themselves, and their victory was the most pronounced and complete that had ever been won in a presidential election that had been vigorously contested.

After his inauguration Van Buren took up his residence in Washington. The office of Vice-President was no ornamental sinecure in his hands. He was what no other Vice-President has been, either before or since, the chief adviser of the President, a genuine and important factor in the administration, the second officer of the government in power, as well as in the dignity of his station.

The National Convention of the Democratic-Republican Party, the

original title of "Republican" being still retained, met at Baltimore May 20, 1835, nearly eighteen months before the presidential election of 1836. Long campaigns were the rule in those days. Jackson did not allow his position as President to restrain his direct and vigorous advocacy of Van Buren's nomination, which met with no really serious opposition.

It is worthy of note that it was in this campaign that the supporters of the system, or "peculiar institution" of human slavery brought that system into politics. Many of the Southern party leaders attacked Van Buren for his action against admitting more slave States when the Missouri question was before the country for decision. He had aided the re-election of Rufus King, a determined opponent of slavery, to the United States Senate. He had strongly opposed Calhoun and the "nullifiers" and had greatly aided Jackson in their defeat. It was, however, stoutly denied by his friends that Van Buren had any connection or sympathy with the Abolitionists. And in the campaign preceding his election as President he had announced himself as inflexibly opposed to any attempt by Congress to abolish slavery in the District of Columbia against the wishes of the slaveholding States. Once begun, the champions of the slave power relaxed no effort to compel acquiescence in their schemes. Among these was the introduction of a bill to forbid postmasters to deliver "incendiary literature," knowing it to be such, in any slave State, and Van Buren's enemies arranged so that there should be a tie in the Senate in the vote, compelling Van Buren to place himself on record, by his casting vote as Vice-President. He promptly voted for it, as did Silas Wright. That either of them really favored its passage is highly improbable, but it was clearly a trick to injure Van Buren in the South by forcing him into a position the slave power could use against him, the supposition being that he would defeat the bill. It was not a vote to be proud of, but as there was really nothing in it but a contest of cunning, Van Buren was not to be caught by so transparent a trick.

The election resulted in the choice of Van Buren, who received 170 electoral votes, to 73 for General William Henry Harrison, 14 for Daniel Webster and 26 for Hugh L. White. The last named was a Southern Senator and a Democrat, put forward to divide the party

vote and again throw the election into the House of Representatives. Van Buren received both a popular and electoral majority in New England, the only Democrat since Monroe who ever performed that feat. But one change was made in the Cabinet, Van Buren's administration being really a continuation of Jackson's.

The great event of Van Buren's term was the financial panic and collapse of 1837. It was really brought about by the usual causes which have produced so many, and almost periodical monetary crises in our history, among which speculation, undue extension of credits, unproductive investments, and large, unwarranted expenditures are prominent. But with the unreason inseparable from a panic of any kind, the party in power was held responsible, and both Jackson and Van Buren were the objects of unsparing denunciation. The great and long-concealed devastation of physical wealth, and of the accumulations of legitimate labor, by premature and ill-advised public improvements, to which must be added extravagant living expenditures, produced their natural fruit. Also, as in all such financial convulsions, the lack of confidence, causing a paralysis of credits, was a tremendous force, incalculable to estimate.

But Van Buren did not lose his head. Here, as always, he looked the situation squarely in the face. His first thought was to avoid calling Congress in extra session, but, with his usual open-mindedness, when he saw this course to be injudicious, if not impracticable, he issued his proclamation, May 15th, for Congress to convene on the first Monday of September. In the interim, to check the tide of popular excitement, public meetings, probably inspired by Van Buren, were held to influence general sentiment.

When the extra session convened Van Buren met it with a message which deservedly ranks among the greatest of American state papers. His bearing through the preceding weeks and months of stress had been admirable. Dr. Van Holst, the well known publicist, a severe critic of Van Buren, admits that "he really evinced courage, firmness and statesmanlike insight. * * * Van Buren bore the storm bravely. He repelled all reproaches with decision, but with no bitterness. * * * .

"Van Buren unquestionably merited well of the country, because

he refused his co-operation, in accordance with the guardianship principle of the old absolutisms, to accustom the people of the republic also to see the government enter as a saving *deus ex machina* in every calamity brought about by their fault and folly. * * * Van Buren had won a brilliant victory, and placed his countrymen under lasting obligations to him."

In his message he made no effort to evade the questions put to him, nor to divert attention from the true issue. The government could not, he showed, help people earn their living; but it could refuse to aid the deception that paper was gold, and the delusion that value could arise without labor. The law required that public moneys should be deposited only in banks that paid their notes in specie. All the banks had stopped such payment. It was obvious, therefore, that some other custody of public moneys must be provided, and it was for this that he had summoned Congress. The government had not caused, and it could not cure the profound commercial distemper. The enormous inflations of bank currency and other credits, among them many millions of foreign loans, had stimulated antecedent causes. Undue extensions of credits to dealers in the interior for supplies greatly beyond the wants of the people, vast expenditures in unproductive public lands, the creation of cities and villages, the diversion of labor to other pursuits that should have gone to agriculture, had helped on the trouble. The immense destruction of values by the great fire in New York in December, 1835, had contributed to the distress. To the demand for the re-establishment of the United States Bank as a remedy for commercial distress he replied that just the opposite needed to be done. The fiscal returns of the government must be separated from those of individuals or corporations. The Bank of the United States had not prevented former and similar embarrassments, and the Bank of England had but lately failed to prevent similar abuses of credit. His conviction had been strengthened that a national bank meant a concentrated money power hostile to the spirit and permanency of our republican institutions. The collection and custody of public moneys should be in the hands of public officers. The public revenues must be limited to public expenses, so there should be no great surplus. Thus was announced the scheme of an Independent Treasury, the di-

voice of bank and State, the famous achievement of Van Buren's administration. The bill for this purpose was firmly pressed by the administration, and it passed the Senate by 26 to 20. It was, however, defeated in the House by 120 to 106.

The administration further proposed the issue of \$10,000,000 in treasury notes. This was intended merely for temporary relief. This was promptly passed. There were but five negative votes in the Senate, one of which was cast by Henry Clay, and in the House it was carried by 127 to 98. In 1840, during the succeeding Congress, the Independent Treasury Bill passed the Senate by 24 to 18, and the House by 124 to 107. This was the great monumental achievement of Van Buren's administration. It was wiped out by the Whig administration, brought in by the landslide of 1840, but it was re-established in 1846, and it continues to this day a cardinal feature of American finance.

The extra session ended October 16th. Commercial distress had materially abated, although many of its wounds were deep and unhealed. Still further substantial progress was made before the meeting of the regular session in December. By the spring of 1838 business had revived by a year of enforced industry and economy among the people. In this year there was a renewal of the raids across the border of Canada, which had taken place during 1837 in connection with the Canadian insurrection. Van Buren promptly issued a vigorous proclamation, appealing to the good sense and patriotism of the raiders, and notifying them that this government would not interfere to shield them from the consequences, if they should be taken upon neighboring territory without excuse or justification. Of course the President's enemies could see in this performance of international obligations nothing but further proof of Van Buren's coldness toward popular rights and his sycophancy to power. This was not a large matter, but it caused heavy Democratic losses in the ensuing elections in the New York counties along the Canadian border. The years 1838 and 1839 witnessed a steady recovery of business, and Van Buren was encouraged to hope that before the presidential election of 1840 the effects of the panic would have passed away. This hope was frustrated, however, by the crash of the Bank of the United States under pressure

from England. This bank, after its recharter had been defeated by President Jackson, had received a charter from the State of Pennsylvania. This failure caused much distress and more despondency, but Van Buren met the situation without faltering, and in his message to Congress in December, 1839, he sounded another blast against any government partnership with a bank.

In May, 1840, Van Buren was renominated for President by the Democratic National Convention, which met at Baltimore. The Whigs had already nominated General William Henry Harrison, the hero of Tippecanoe, who had been his principal competitor in 1836. The campaign was marked by an excitement and enthusiasm probably never surpassed by any other in the history of the government. The result was plainly foreshadowed long before the election. The financial distresses during his administration were a great weight to carry, but the personality of General Harrison undoubtedly created the enthusiasm which gave him such an overwhelming victory. Van Buren carried no Northern State except Illinois, and but five in the South, Virginia, South Carolina, Alabama, Arkansas and Missouri. Harrison received 234 electoral votes and Van Buren but 60; still, the popular vote shows no such great disparity in strength as would be inferred from these figures, the vote for Harrison being 1,275,017, and for Van Buren, 1,128,702, a majority for Harrison of only 146,315, while in 1832 Jackson's majority over Clay had been 157,313. Indeed, Van Buren's vote in defeat was about 350,000 more than it had been in his victory four years before. This certainly showed great strength among the people, in spite of the tremendous financial crash for which the burden of the blame was laid upon him.

In his last message to Congress, in December, 1840, Van Buren dwelt upon the dangers of a national debt, and the equal danger of too much money in the Treasury, stating a theorem which has been verified by abundant later experience, that "practical economy in the management of public affairs can have no adverse influence to contend with more powerful than a large surplus revenue." And in the very last words of this, his last message, he gave an account of his efforts to suppress the slave trade and to prevent "the prostitution of the American flag to this inhuman purpose," asking Congress "by a pro-

hibition of American trade which took supplies to the slave factories on the African coast, to break up those dens of iniquity."

He welcomed his successor to the White House and, until the inauguration, entertained him there as a guest. Van Buren was always a gentleman, and the hardy old soldier, who was to have but a single month more of life to enjoy, was touched by the easy and cordial courtesy of his defeated antagonist. Van Buren returned to Kinderhook, which he reached May 15, 1841, there to make his home in the delightful retirement of Lindenwald until his death, more than twenty years later. While in New York on his way home he was the chief figure in the obsequies of his successor.

Although his return to his peaceful home on the Hudson proved his final retirement from public station, it by no means signified any lack, or even any diminution, of interest in public affairs. He remained the undisputed leader of his party, which was, indeed, spoken of as "the Van Buren Party," until 1844, so universal was the supposition that he would again be its candidate for the Presidency in the contest of that year. In 1842 he made a tour through the South, visiting Clay at Ashland, and Jackson at the Hermitage. It is a testimony to the largeness of his nature that he was one of the very few men on personally friendly terms with both these long-time bitter enemies.

The utterly incongruous elements which had been held together through the campaign of 1840 by discontent and wild, unthinking enthusiasm, had already fallen apart. By the death of Harrison and the accession of John Tyler to the Presidency the Whigs had lost the substantial fruits of their victory. Tyler had not concealed his Democratic views of government, but he was given the Whig nomination, probably because of his supposed availability and partly because his power as Vice-President would be practically nothing. The unexpected death of Harrison had, however, changed everything, and when Congress passed a bill to establish a national bank, Tyler vetoed it. In 1844 he was anxious for the Democratic nomination, claiming it on account of his support of the annexation of Texas.

This, the first of the great pro-slavery movements, had become the predominant issue, succeeding economics. And here Van Buren de-

serves lasting praise for the courage with which he met the issue. He was supposed to be against annexation, and in February, 1843, his Southern opponents got Jackson to write a letter taking strong ground in its favor. Then Van Buren was explicitly asked by a delegate for his views. If Van Buren had really been a political "trimmer," as has been charged, here was certainly the place to trim. But he did nothing of the kind. Although his nomination seemed conditioned upon his surrender, he stated squarely that he knew his views upon annexation differed from those of many friends, personal and political; but in 1837 his administration, after a careful consideration, had decided against annexation of the State whose independence had lately been recognized by the United States; the situation had not changed. He intimated that there was jobbery in some of the enthusiasm for annexation. The only crumb of comfort he could give the annexationists was that if, after the subject had been fully discussed, a Congress chosen with reference to the question showed the popular will to favor it, he would yield. He closed his letter in these words: "Nor can I in any extremity be induced to cast a shade over the motives of my past life, by changes or concealment of opinions maturely formed upon a great national question, for the unworthy purpose of increasing my chances for political promotion."

While it might be too much to say that Van Buren thus deliberately threw away all his chances for the nomination which, with its assured ratification at the polls, would have grandly rounded out and completed his public career, it is certainly true that this was the effect of his letter. As an exhibition of political courage, it is probably the finest and bravest in our history.

The convention met at Baltimore, May 27, 1844. On the first ballot for the candidate for President, Van Buren received 146 votes, 13 more than a clear majority. On the second ballot his vote dropped to 127, and on the seventh to 99. On the motion to abrogate the rule requiring a two-thirds vote to nominate, made before the balloting began, the two-thirds rule had carried the day by a vote of 148 to 118. After the seventh ballot a motion was made to declare Van Buren the nominee, as the choice of the majority of the convention, but the motion was declared out of order, and no appeal appears to have been

taken from this ruling. Before the eighth ballot was taken the name of James K. Polk was presented as that of "a pure, whole-hogged Democrat," and he received 44 votes. On the ninth ballot came the stampede to Polk, a performance which seems to have been a startling novelty. Since that day stampedes of conventions have become by no means unusual. Then New York's great Democratic Senator, long recognized as a close friend of Van Buren, was nominated for Vice-President to placate Van Buren's friends. Wright promptly telegraphed a peremptory refusal to accept, and George M. Dallas, of Pennsylvania, was given the nomination.

Van Buren loyally supported Polk, and this, together with his persuading Silas Wright to accept the Democratic nomination for Governor of New York, secured Polk's election. The result was so close that it hinged upon the vote of New York, which Polk carried by 5,000 plurality, Wright, for Governor, having 10,000. But even Van Buren and Wright could not have saved Polk's election had not James G. Birney, the Abolitionist candidate, received 15,812 votes in New York, the greater part of them presumably from disgusted Whigs. Clay had, during the campaign, made a strong bid for the pro-slavery vote by changing front and coming out for the annexation of Texas, and indulging in flings at the Abolitionists, and this piece of folly drove thousands of Whigs to vote for Birney.

The annexation of Texas was consummated just before the close of Tyler's administration, and the next year came the Mexican War. This resulted in the acquisition of California and New Mexico, and much more territory, so that the slavery question became still more prominent in the discussion of measures for the government of these new additions to the national domain. The New York Democrats divided into two factions, Barnburners and Hunkers. The former were the Van Buren men, and included most of the prominent leaders—Silas Wright, then Governor; Benjamin F. Butler, John A. Dix, David Dudley Field, William Cullen Bryant, Azariah C. Flagg, the famous Comptroller, and John Van Buren, the ex-President's son, an able lawyer and a brilliant orator. The Hunkers, who were by no means as numerous, were led by Daniel S. Dickinson and William L. Marcy. Dix and Dickinson were United States Senators, and Marcy

was Secretary of War in Polk's Cabinet, selected after Silas Wright had declined the Treasury portfolio. Possibly a greater man than any of these veteran leaders, Samuel J. Tilden, then a young man just entering politics, was also a Barnburner. Like Van Buren, he was a Columbia County man, a great admirer and a loyal follower of the ex-President.

The first great struggle on the slavery question, which had now come to the front and was soon to occupy the whole stage, was over the Wilmot Proviso, a measure introduced in Congress by David Wilmot, a Democrat from Pennsylvania, providing slavery should be excluded from the territory acquired by the peace which followed the Mexican War. The Barnburners strongly favored this measure, which, however, failed to be adopted by Congress.

In October, 1847, an enthusiastic admirer of his, who was the editor of a Democratic newspaper in Pennsylvania, hoisted the name of Van Buren at the head of his editorial page, as the Democratic candidate for President in 1848. Van Buren wrote him a letter, in which he said that whatever had been his aspirations in the past, he now had no desire to be President; every day confirmed him in the political opinions to which he had adhered. Not a word of praise did he speak for Polk's administration, and in this he was, for once, grimly non-committal.

The Democratic National Convention assembled in May, 1848. As Hunkers and Barnburners each had a full delegation clamoring for admission, the convention proposed to give half the State's representation to each wing. The Barnburners denounced this as a simple nullification of the vote of the State, and then withdrew. General Lewis Cass, of Michigan, was nominated for President, thus condemning the Wilmot Proviso, which Cass had bitterly attacked. That very attack seems to have commended him to the South, which gave him a strong support in the convention.

The Barnburners had met at Utica on February 16th. The Wilmot Proviso was endorsed, and delegates were appointed to the national convention to oppose the Hunkers. In June another Barnburner convention was held at the same city. David Dudley Field read an explicit declaration from Van Buren against the candidates of

the national convention. This letter created a profound impression. He declared that the convention had not allowed the Democrats of New York fair representation, and its acts did not therefore bind them. If our ancestors, when the opinion and conduct of the world about slavery were far different, had rescued from slavery the territory now making five great States, should we, he asked, in these later days, when nearly all mankind was convinced of its evils, doom to slavery a territory from which as many more new States might be made? He counseled moderation and forbearance, but still a firm resistance to injustice.

This powerful declaration from the old chief of the Democracy was decisive with the convention. There was an informal ballot, upon which Van Buren received 159 votes to 129 for John P. Hale, a Senator from New Hampshire, and the candidate of the Free Soil Party for President in 1852. The nomination of Van Buren was then made by unanimous acclamation.

A brief letter from Van Buren was read, declaring that his nomination at Utica had been against his earnest wishes; that he had yielded because his obligations to his friends, who had now gone so far, required him to abide by their decision that his name was necessary to enable "the ever faithful Democracy of New York to sustain themselves in the extraordinary position into which they have been driven by the injustice of others." Charles Francis Adams, the son of John Quincy Adams, was nominated for Vice-President, thus presenting on the same ticket with Van Buren the son of one of his oldest and bitterest adversaries.

Van Buren's attitude, although in opposition to the regularly nominated candidate of the party, was in nowise inconsistent with his own record. Neither his party nor himself had ever pronounced in favor of the extension of slavery. The Buffalo Convention was silent upon the abolition of slavery in the District of Columbia. There was, for the time being, but one question in politics, and that was born of the annexation of Texas and the acquirement of territory through the war with Mexico: Shall slavery go into free territory?

The popular vote gave Taylor 1,360,099 votes; Cass, 1,220,544, and Van Buren, 291,263. The latter, however, had not carried any

State, and so had no electoral votes, Cass receiving 127 and Taylor 163. In no State did Van Buren receive as many votes as Taylor, but in New York, Vermont and Massachusetts he had more than Cass. The vote in New York was indeed a remarkable personal tribute, as he had 120,510 votes, to 114,318 for Cass. As Taylor had something over 218,000, the two former having some 16,000 more than Taylor, united they would have carried the State, and with it the election. And it was clear that substantially the whole of Van Buren's vote came from the Democracy. Nor did the Free Soil people gain anything by the election of Taylor. He died before any important legislation was passed, and was succeeded by Fillmore, a New York Whig, who signed the Fugitive Slave Law and approved all the other pro-slavery legislation of Congress in the effort to succeed himself by election.

The campaign had been a bitter one, and Van Buren came in for unmeasured abuse. He, however, received some fine tributes, including one from Charles Sumner, who was soon to do battle against the slave power in the Senate. Said Sumner: "It is not for the Van Buren of 1838 that we are to vote; but for the Van Buren of to-day—a veteran statesman, sagacious, determined, experienced, who, at an age when most men are rejoicing to put off their armor, girds himself anew and enters the lists as the champion of freedom." And, indeed, there was much to warrant this splendid eulogium. A political leader who has received high political honors from his party is always the subject of venomous vituperation when he opposes it. Van Buren did not escape. Neither was the personal abuse he received all from the Democrats. Even Daniel Webster said at Marshfield that for "the leader of the Free Spoil Party" to become the leader of the Free Soil Party "would be a joke to shake his sides and mine." But in the serene light of history Van Buren appears much better than Webster. The former merely defeated his party to oppose slavery, while the latter sold himself to slavery for the hope of thus reaching the Presidency. Both of these great men lived to dim their fame by yielding, in their old age, to the soporific which Clay in his old age administered to the American people. In their support of the Compromise of 1850, between slavery and freedom, all three of these statesmen

forfeited much of their fame, and justly. It would have been a wise heroism in Van Buren, and would have given him a higher and clearer place with posterity, if, after 1848, he had kept aloof from the timid politics of the time; if he had at least refused to acquiesce in any compromise by which concessions were made in vain to slavery. But he was now an old man. He shared with his famous Whig rivals that intense love and almost adoration of the Union, upon which the arrogant leaders of the slave power so long and so successfully played. Their surrender was in much the same spirit as that in which Mr. Lincoln, himself, said that if he could save the Union without slavery he would do it; that if he had to save the Union with slavery, he would do that. The trouble was that slavery would not be placated. Van Buren, in his prime, with that wonderful common sense and clear insight in which no American statesman has ever surpassed him, would have seen this great truth, that no surrender to the slave power could ever be a finality; that, on the contrary, one surrender only invited another, and that the sooner issue were joined the better.

After Pierce's election in 1852, Van Buren spent two years in Europe. The President tendered him the position of American Arbitrator upon the British-American Claims Commission, established under the treaty of February 8, 1853, but he declined.

In the election of 1856 Van Buren voted for Buchanan, an act which was inconsistent and much to be regretted. The new Republican Party was, however, repulsive to him, as made up chiefly of old Whigs, his long-time and bitter adversaries, whom he distrusted, and hosts of camp followers smelling the coming spoils. In 1860, his last vote for President, he supported the Fusion or Union electoral ticket, which in New York represented the combined opposition to Lincoln. After his return from Europe, in 1855, he lived in dignified repose at Lindenvald. He began writing memoirs of his life and times, which were brought down to the years 1833-1834; but they were never revised by him, and have not been published. Out of this work grew a sketch of the early growth of American parties, which was edited by his sons, and published in 1867. He died at his home July 24, 1862, having almost completed his four-score years. The country was then passing through some of its darkest hours, but the aged statesman and patriot

expressed his confidence in President Lincoln and General McClellan, and declared his faith that the rebellion would end without lasting damage to the Union.

Inman's painting, now in the City Hall of New York, gives his face in the prime of life—the shrewd, kindly expression, touched with that half-cynical doubt of men which almost invariably belongs to those in great places. His form was always slender and erect, but hardly reached the middle height, so that to his political enemies it afforded endless delight to call him "Little Van." His life was entirely free from the charges of dissipation or of irregular habits, then so commonly, and often truly, made against prominent public men. This very correctness was a part of the offense he gave to his rivals and their followers. Of social and cheerful temper, he not only liked the decorous gaiety of receptions and public entertainments, but was delighted and delightful in closer and easier conversation and in the chat of familiar friends. His reminiscences of men are said to have been full of the charm which flows from a strong, natural sense of humor and a correct and vivid memory of human action and character.

No American in public life has shown firmer and longer devotion to his friends. His reputation for statesmanship must doubtless rest upon the indisputable facts of his career. But for the integrity of his life, for his sincerity, for his fidelity to those obligations of political, party and personal friendship, his relations with Jackson, Butler, Wright, Flagg and Dix, make a proof not to be questioned. He thoroughly, honestly, and without demagoguery, believed in the common people and in their competence to deal wisely with political difficulties. Even when his faith was tried by what he deemed the mistakes of popular elections, he still trusted to what, in a famous phrase of his, he called "the sober second thought of the people."

Of his eminent ability there has never been any question. No American statesman has ever been called upon to deal with greater or more complex problems of politics or government, and no one of them all has ever shown greater clearness of vision. He filled many great stations, and he achieved an honorable record in every one of them. He was a true patriot, an illustrious statesman, and, in every sense of the term, he was a great American!

CHAPTER XIV.

The Gubernatorial Term of Silas Wright and a Sketch of His Life—
The Constitutional Convention of 1846.

SILAS WRIGHT became Governor of New York State January 1, 1845. The most prominent points of his message to the Legislature were his advocacy of increased public school advantages and his recommendation regarding the Anti-Renters. His remarks pertaining to the school question were so pleasing in a literary sense, and they exhibit so well the easy and logical grasp of the mind of this great statesman that we reproduce the following extract:

"No public fund of the State is so unpretending, yet so all-pervading; so little seen, yet so universally felt; so mild in its exactions, yet so bountiful in its benefits; so little feared or courted, and yet so powerful as this fund for the support of common schools. The other funds act upon the secular interests of society; its business, its pleasures, its pride, its passions, its vices, its misfortunes. This acts upon its mind and its morals."

Governor Wright's administration was disturbed by the agitations and outrages of the Anti-Renters. This party, or faction of a party, as it was at that time, was dignified by the name of party, and it arose in this way: Under the old Dutch rule in New York, privileged persons, called patroons, acquired vast tracts of land in this State, then called New Netherlands. After the days of the Revolution the laws of primogeniture were abolished in accordance with the new spirit of liberty; still a large portion of the settled land of the State was held by these patroons. The cultivators of these estates held their farms on leases made out to run during one or more lives or for one or more years. It was really the old European feudal system. After the feudal tenures were abolished the owners of manor grants got out a form of

lease by which the tenants agreed to pay rents and dues almost as they had previously done. This condition of things became burdensome and odious to the workers of the soil, and in 1839 a movement was started to devise some plan of relief. In that year Patroon Van Rensselaer died, and he was the last of what may be called the feudal barons in America. The movement soon became known as Anti-Rentism. Soon after the movement began it manifested itself in open resistance to the service of legal processes for the collection of rents. In Rensselaer County, in the town of Grafton, a band of Anti-Renters killed a man, and the perpetrators of the crime were never discovered. The grievance grew to such dimensions that in 1841 and 1842 Governor Seward recommended a reference of the subject in dispute on both sides to arbitrators, and appointed three men to investigate the matter and make a report to the Legislature. Nothing was accomplished, however, and the disaffection not only spread, but gradually became more intense. In 1844 and 1845, in Delaware County, the Anti-Renters proceeded to such extremes that Governor Wright recommended legislation for its suppression, and the Legislature passed an "Act to prevent persons appearing disguised and armed." From the wording of the act there can be no question but that the Anti-Renters adopted methods similar to those which are familiar to people of the present day under the name of Whitecaps. The act authorized the arrest of all persons who should appear having their faces concealed or discolored, and it further authorized sheriffs to call a posse to their aid in making arrests. This law repressed violence by the Anti-Renters, and, like several other so-called parties formed upon personal grievances or individual opinions, the Anti-Renters gradually disappeared from view. They first formed themselves into a political party in 1839.

Although the Democratic Party had been so successful in both State and nation at the election of 1844 that the Whig Party seemed to be paralyzed, yet the State government does not appear to have been in close touch with the national administration. There was some feeling on the part of the friends of ex-Governor Bouck that he had not been fairly treated, as he had not been renominated. Moreover, although Governor Wright had received the loyal support of the party generally, he had been classed as a Radical and the Hunkers were not

in sympathy with him or his section of the party. Both sections were unreasonably jealous of each other, but the Hunkers seemed to have laid their plans well, and they succeeded in accomplishing a great deal more than would naturally be expected under the circumstances in which they found themselves placed.

Governor Wright was the firm friend of Martin Van Buren, and President Polk's nomination had been a death blow to Van Buren's aspirations. It is, therefore, only natural to suppose that the President should credit Governor Wright with such sentiments as Van Buren doubtless entertained. However, President Polk wrote to both the Governor and Van Buren stating that either the State or Treasury Department should have a New York man at its head. When Wright replied, expressing his appreciation and indicating to the President that Butler would be an acceptable man for Secretary of State, or that for the Treasury Department A. C. Flagg would be a good man to appoint, the President responded by tendering the appointment to Governor Wright himself. The President and his administration must have been well aware of the fact that Wright had pledged himself over and over again that if elected Governor he would serve through his term, and Wright did what the President doubtless expected, that is, declined a seat in the Cabinet. The President then offered Butler the office of Secretary of War. This Butler declined because it was not in line with his profession, which he did not wish to entirely abandon. Ex-Governor Marcy was then made the Secretary of War, and thus a New York man was given a seat in the Cabinet, but Marcy was a Hunker. The appointment was made against the wishes of Governor Wright and his friends.

Although the outlook for the Hunkers was not bright at the beginning of the legislative session of 1845, because the Radicals numbered as many as they, and also had the prestige of the Governor on their side, yet the Hunkers achieved a great deal during that session. They procured the election of their own Speaker and of a United States Senator, a Judge of the Supreme Court of the United States, and had their ablest man installed a member of the National Cabinet, besides receiving one-half of the State offices. Their affairs had mainly been managed by Horatio Seymour and Edwin Croswell, but there can be

no doubt that they were assisted from Washington, where a plan was on foot adverse to the political aspirations of Wright and Van Buren.

It should be stated that Governor Wright in no way acted as a partisan while in the Governor's chair, but was ever solicitous to treat both Hunkers and Radicals fairly, and to heal breaches between them. This attitude of the Governor did not, however, prevent a constant warfare between the two factions of the Democratic Party. The subject of a constitutional convention furnished the bone of contention over which they fought. The Hunkers did not want any convention; they did not deny that perhaps the Constitution could be amended in some particulars, but they did not think these of sufficient importance to call for a convention. The leading Radicals believed in the absolute necessity of making the substance of the Act of 1842 part of the Constitution. Governor Wright does not seem to have considered the convention a necessity.

The Native Americans desired some alterations in the Constitution, particularly regarding the eligibility to office of adopted citizens, and the radical Whigs were in favor of a convention.

Outside of Governor Wright and Martin Van Buren, John Young, a Whig, was at that time the ablest politician in the State of New York. He possessed more subtle sagacity than either of the two notable men above mentioned; indeed, Wright was too honest to make his way by craftiness, and Van Buren seems to have never recovered from the stunning fall he received at the Baltimore Convention of 1844. Young was in favor of a convention. He saw it would benefit the Whigs, who had everything to gain and nothing to lose by dissensions which the convention might arouse. In order to have a convention, an act must be passed recommending it, so Young set himself to work to have such an act passed, and not only that, but to have it passed in such a manner that it could be claimed as a Whig measure. To do this he saw that it would be necessary to avail himself of the division among the Democratic members of the Legislature, and this he adroitly did. He succeeded in securing the passage of the bill in such form and under such circumstances that it had all the appearance of a Whig measure, while at the same time he prevented any union of the Democratic members upon its form and provisions. The ability he displayed throughout the

session of 1845, and particularly in relation to the convention measure, placed him at the head of the Whig Party in the State. The Hunkers were opposed to the bill throughout, and Governor Wright seems to have accorded with their view of the matter, yet he signed the bill.

During the same session, however, he vetoed a bill appropriating \$197,000 for various purposes. Part of the provisions of this bill looked toward the continuation of work on the Genesee Valley Canal and the Black River Canal. Its veto injured Governor Wright with those Democrats who were in favor of prosecuting the work.

The results of the session of 1845 were detrimental to the interests of the Democratic cause. The breach between the Hunkers and the Barnburners was, if anything, wider than it had been at the beginning of the session. If the Barnburners were pleased that a convention bill had passed, the Hunkers were correspondingly dissatisfied. Many of Governor Wright's old friends seem to have fallen away from him, while continuing a profession of their friendship. The high-minded and independent course which he pursued failed to please the partisans of either section of the party, and so the very qualities which should have increased his popularity tended to lessen the number of his followers. The convention bill was claimed as a Whig measure, and had all the appearance of such, as it passed through the Legislature, and, such being the case, John Young was elevated before the eyes of the people as the strongest man in the State. In fact, the result of the session of 1845 secured the Governorship to John Young.

It should be distinctly stated that the masses of the Democratic Party throughout New York State did not take sides with either the Hunkers or the Barnburners, but, on the contrary, were so bewildered by the operations of these two sections that they lost interest in their party's cause.

Although John Young, the Whig candidate, was elected Governor, the Senate consisted of 25 Democrats, 6 Whigs and 1 Native American, while the Assembly consisted of 72 Democrats, 52 Whigs and 2 Anti-Renters.

Andrew Jackson, ex-President of the United States, died on the 8th of January, 1845.

During the same year the national administration, which was Dem-

ocratic, consummated the annexation of Texas, which was finally completed on July 4th of that year. The South was unanimously in favor of this measure; the North was divided respecting it, with a majority opposing it. Mexico would not acknowledge the independence of Texas, so the United States sent an "Army of Observation" into Texas and stationed it on the border of Mexico. The dispute between the two nations over the annexation of Texas developed into the Mexican War in 1846.

The great event in the State of New York during the year 1846 was the Constitutional Convention. The election of delegates to the convention was made a party question in almost every county in the State, and the Democratic Party succeeded in electing a majority of them, notwithstanding dissensions in the party. It is a notable fact that there was but one member of that convention who had been a member of the convention of 1821. That member was General James Tallmadge of Dutchess County. The whole number of delegates was 128. Of these, forty-three were farmers, forty-five lawyers, eight doctors, thirteen merchants, six mechanics, two surveyors, one banker, one furnaceman, one blacksmith, one printer, one engineer, one manufacturer, one miller, one ironmaster, one geologist, one teacher, and one author. According to their nationalities, they were divided as follows: One Irishman, one Scotchman, and the rest stated as Americans, of whom twelve were natives of Massachusetts, thirteen of Connecticut, six of New Hampshire, six of Vermont, three of Rhode Island, three of New Jersey, two of Pennsylvania, and one each of Maine, North Carolina, Virginia, and Maryland, while the remaining seventy-five were natives of New York State. The convention was convened on the 1st of June, and ex-Lieutenant-Governor John Tracy was elected president; Thomas Starbuck and Henry W. Strong were appointed secretaries. A committee of seventeen was assigned the duty of formulating topics to be considered in the proposed revision of the Constitution. They reported eighteen, and each of these was referred to a standing committee.

Only immaterial changes were made in the organization of the executive department as it had previously existed, and the only change in the legislative department was that Senators and Assemblymen

should be elected by single districts. The power to impeach public officers was vested in the Assembly, but the Senate and the Judges of the Court of Appeals, with the Lieutenant-Governor presiding, constituted the tribunal for the trial of all such cases.

Radical changes were made in the judiciary department. The power of that department was greatly increased, while the number of its judicial officers was diminished. Centralization of judicial power was abolished, and the election of judges was placed entirely in the hands of the people. A Court of Appeals was organized, consisting of eight judges, four of whom were to be elected by the people and four to be selected from justices of the Supreme Court having the shortest time to serve. The judges were made removable by a concurrent resolution of the Legislature. Tribunals of conciliation were authorized for the voluntary settlement of litigated cases.

The banking law was changed so as to abolish monopoly. The power to grant special charters for banking purposes was taken away from the Legislature, but laws were provided under which banks and other corporations could organize and carry on business. The Legislature was prohibited from sanctioning the suspension of specie payments; all bills or notes put into circulation by banks were required to be registered, and the banks issuing them had to give security for their redemption in specie.

Provision was made for the payment of the public debt, which at that time amounted to about seventeen million dollars, and the power of the Legislature to create State indebtedness without the sanction of a majority of the people was greatly curtailed.

Provision was made so that the Legislature could provide for the organization of villages and cities, and it was vested with authority to restrict their powers of taxation, assessment, borrowing money, loaning their credit, etc.

The last vestiges of the patroon system with regard to land were completely wiped out, and the tenure of all lands was declared to be allodial. The leasing of agricultural lands for a longer term than twelve years was prohibited.

It may be said generally that the convention of 1846 completed the good work begun by the convention of 1821. The former had accom-

plished a good work by transferring the power from the few to the many. The convention of 1846 carried this principle to a theoretical completion; theoretical because the central power can never be entirely subjugated to the will of the people.

The convention was in session for about four months, and within a month after its adjournment the people of the State, at a general election, adopted the revised Constitution by a majority of about 130,000. It is worthy of note that the deliberations of the convention throughout its long sitting were not disturbed by political wrangles or animosities, and this is the more remarkable because both Whigs and Democrats were at that time divided into factions on political issues.

The Democratic State Convention of the year 1846 was held at Syracuse and convened on October 1st. The Barnburners had control of the convention, outnumbering the Hunkers by almost two to one. At that convention Silas Wright was nominated to succeed himself as Governor, with Addison Gardiner on the ticket for Lieutenant-Governor.

The Whig Convention had been convened at Utica on September 23d, and John Young was nominated for Governor, with Hamilton Fish named as candidate for Lieutenant-Governor.

Political conventions were numerous during the summer of 1846. The Liberty Party nominated Henry Bradley, with William E. Chaplin for Lieutenant-Governor. The Native Americans nominated Ogden Edwards as their candidate for Governor. The Anti-Renters also held a convention and decided to support John Young for Governor and Addison Gardiner for Lieutenant-Governor, that is, to support the Whig nominee for the first place and the Democratic nominee for the second place. The National Reformers decided to support the nominees of the Liberty Party.

The result of the election was peculiar. Young was elected Governor over Silas Wright by a majority of 11,572, while Gardiner, the Democratic candidate for Lieutenant-Governor on the same ticket with Silas Wright, was elected over Hamilton Fish by a majority of 13,357. Silas Wright was at that time regarded as the leading Democrat, if not the strongest public man, in the State, and the fame he justly achieved has not since diminished. It was, therefore, a great surprise to his

friends that he should be defeated, and many were the speculations made at the time as to the cause of his defeat. It would seem that there was more than one cause. When in the Governor's chair, Silas Wright had adopted drastic methods to subdue the agitation of the Anti-Renters, and that body voted against him. That they did so was plainly indicated from the fact that at their convention they endorsed Young for Governor and Gardiner for Lieutenant-Governor. Also, Governor Wright had vetoed a canal bill, and this estranged many votes from him of those interested in canals. Besides, it was evident at the time that many of the Hunkers proved disloyal to him. He was too rigid in his principles and too scrupulous in carrying out the wishes of the people to suit some of the local leaders. In addition to these causes, the national administration was against him; this was the current belief for some time before and until after election day. It is true that President Polk and some members of the Cabinet wrote to Mr. Wright, just on the eve of election, expressing their desire to see him succeed, but their protests came when they were too late to do his cause any good. The letters were not published previous to the election, and the friends of the national administration believed that the plan was to defeat Wright. It would seem that President Polk could never overlook the fact that Wright was the staunch supporter of Martin Van Buren. Many and strong were the protestations that Wright was acceptable, to the national administration, but these declarations, coming at the time they did, remind one of the line in the play: "Methinks the lady doth protest too much."

With the end of the year 1846 the public career of Silas Wright terminated, and this is, therefore, an appropriate point at which to give an outline of his life.

Silas Wright was born in the town of Amherst, Hampshire County, Massachusetts, May 24, 1795. His father's name was also Silas, and it was for this reason that during almost his entire life the great statesman was known as Silas Wright, Jr. Before he was a year old his parents moved to Weybridge, Vt., and there he was reared on a farm. At the age of fourteen he entered the academy at Middlebury, Vt., and in 1811 was admitted to the Middlebury College, from which he was graduated in the year 1815. In that year he began the study of law



SILAS WRIGHT

Engraved by J. H. Smith



in the office of Henry C. Martindale at Sandy Hill, N. Y. He completed his studies under the direction of Roger Skinner, who afterwards became United States Judge of the Northern District of New York. He was admitted to the bar in 1819, and shortly afterwards settled at Canton, St. Lawrence County, N. Y., and that was his residence during the remainder of his life. Canton at that time consisted of but a few houses, yet it is thought that Wright selected that location because he foresaw that Canton must eventually become the county-seat. The country was new and his neighbors were almost entirely farmers, yet such was the unpretentious nature of this man of high mental qualities that he speedily became very popular, not only with the majority of people, but with everybody he met.

In 1820 he was appointed surrogate of St. Lawrence County. This office must certainly have been conferred upon him because of his merit, for he was a Bucktail and De Witt Clinton was then Governor of the State. In 1821 he was appointed a justice of the peace and commissioner of deeds. In 1821, 1822 and 1823 he was elected town clerk and inspector of common schools. He also held the office of postmaster for several years prior to 1827.

In 1822 Silas Wright raised and organized an independent company of riflemen, and, as was natural, he was elected and commissioned Captain of the company. In 1825 the Seventh Rifle Regiment was organized and his company was absorbed by it. At the first election of officers for the new regiment Silas Wright was elected Major and performed military duty for a year. In the fall of 1826 he was elected Colonel, and commanded the regiment until the fall of 1827, when he was elected and commissioned Brigadier-General of the Forty-ninth Brigade, Twelfth Division, New York Militia. He resigned his command in 1829, when he was appointed Comptroller of the State. It is peculiar in these days of colonels and generals to reflect upon the fact that he was seldom, if ever, addressed as general, notwithstanding he had attained that rank. It is scarcely to be questioned that his commanding abilities as a statesman so overshadowed his military rank that he was thought of solely as a great public man. It is said that not a single member of the old rifle company ever cast a vote against him when he ran for public office, and his popularity is further attested by

the fact that at one election where two hundred votes were cast in his district, he received one hundred and ninety-nine. The one vote given to his opponent was cast by Silas Wright himself.

In 1823 he was elected to the State Senate, being at that time but twenty-eight years of age. From January, 1824, until January, 1847, his life was spent either at Albany or Washington, for during those years he was actively engaged in public affairs.

He did not entirely abandon his law practice, but, on the contrary, rose to distinction in the bar of the State. He is reputed to have been one of the most adroit examiners of witnesses that the State has produced. It is also asserted that he prevented more law suits than he conducted, by advising his clients to keep out of the courts. When at home in Canton he was an extremely neighborly and unpretentious man. He was a friend to all the country people. In the summer-time, when home from Albany or Washington, he worked on his farm with his own hands. When it was proposed to make Canton the county-seat, and other parts of the county declared that there were not materials in that part of the county from which to erect county buildings, he called a meeting and at that meeting proposed that all the men proceed to a certain quarry the next day and begin getting out stone for building purposes. He himself worked twenty-one days in the quarry to carry through the project.

When in the State Senate Silas Wright opposed the popular election of presidential electors. His course at that time does not show the broad-mindedness which afterwards characterized him, but he was then quite a young man. The reason given at that time for Wright's stand was, that he feared the popular election of presidential electors would result in the launching of De Witt Clinton for President, and Wright, being a Bucktail, was opposed to Clinton.

On March 4, 1827, Silas Wright resigned his seat in the State Senate, having been elected a member of Congress. He was re-elected to Congress on December 4, 1828, but, Van Buren being elected Governor in that year, he resigned his seat in Congress to accept the position of State Comptroller in 1829. That office he held until 1833, in which year he was chosen to fill out Senator Marcy's term as United State Senator. Marcy was elected Governor of the State of New York

in the fall of 1832. In 1833 Silas Wright married Clarissa Moody. He held the office of United States Senator from his appointment in 1833 until 1844, having been elected in 1837 for a term of six years.

Silas Wright was, throughout his life, a personal as well as a political friend of Martin Van Buren, and was chairman of the Finance Committee of the United States Senate during the panic of 1837. At that time he wrote two very able papers on the finances of the country and the situation at that time. Throughout his entire career in Washington, and subsequently, all his public acts were guided by the inflexible doctrine "Measures, not Men," and in his political affiliations the party was everything and himself nothing. He was one of the most upright and honest of public men, whether considered with relation to his own day or any other day. In the United States Senate he had to meet with men like Webster, Clay, Calhoun, Benton and White, and if, as an orator, he did not rank with the first three, as a far-seeing statesman and in the weight of his arguments he was the peer of any one of them.

He supported Clay's compromise bill, although he did not approve of all of its provisions. When Clay introduced a resolution censuring President Jackson for his proceedings in relation to the public revenue, Wright made a speech of great power in defense of the President. He also opposed Webster's bill introduced to recharter the United States Bank for a limited time.

In December, 1837, Silas Wright introduced the Independent Treasury bill, which was the beginning of the sub-treasury system. This system is probably the finest proof of the statesmanship of Martin Van Buren. Before it was fairly tried, the system was overturned by President Tyler, but it became firmly established under President Polk.

During the wild election of 1840 Silas Wright exerted himself to the utmost to assist in the re-election of Martin Van Buren, and made speeches in different parts of the State in support of his political friend. Again, in 1844, at the Baltimore Convention, he exerted himself to secure the nomination of Van Buren, but in both of these instances he was fated to see his efforts unavailing. He declined the nomination for Vice-President, after it had been made by that conven-

tion, because of his loyalty to Van Buren, his lifelong personal and political friend.

In 1844 he was elected Governor of the State of New York, and his acts during the following two years are outlined in the early part of this chapter. Also, the causes of his defeat, which led to his retirement, have been discussed. He died August 27, 1847. He had been working upon his farm, as was his custom, during the hot days of August, and his sudden death in the prime of life was attributed to heart failure caused by the heat.

CHAPTER XV.

New York State Under Governor Young—The Wilmot Proviso—Dis-sension Among Democrats—The Conventions of the Different Factions or Parties—Their Declarations on the Question of Slavery—General Taylor Elected President—Van Buren the Free-Soil Candidate—Election of Governor Fish.

THE next Democratic Governor of the State, after Silas Wright, was Horatio Seymour, in 1852. From 1854 until 1862 there was no Democratic Governor, but in the latter year Horatio Seymour was again elected. Yet all these years were important not only to the State and nation, but to the Democracy of the State. The troubles which culminated in the War of the Rebellion were constantly growing, and the attitude of the State of New York, blending in and affecting the affairs of the nation, is important to trace. During the great struggle, New York State was the mainstay of the North. Therefore, from this point forward for twenty years, national and State issues must be considered together.

As early as April, 1847, the position of national politics was that of the probable nomination of General Taylor for the presidential candidate. He was a slaveholder and a native and resident of a slave State. He was favored by the strongly northern, anti-slavery and Wilmot Proviso Whig Party. The hotly contested and bloody battle of Buena Vista had been fought to a finish with a splendid victory. It was fought on the 22d and 23d of February. The Albany *Evening Journal* was not long in hinting that "the force of circumstances" might put General Taylor at the head of the Whig opponents of the war. It was easier to look forward to this because the Democratic administration had made a new deal in military matters in view of which Taylor had retired to New Orleans. Taylor had fought with brilliant success the battles of Palo Alto, Resaca de la Palma and Monterey, and, with

the operations executed by General Wool, Colonel Kearney, Colonel Doinphan, Captain Frémont, and Commodores Sloat and Stockton, New Mexico and the Californias had been added as conquests to our territory. The opinion at Washington that Taylor's line of attack was not the most promising, led to new plans in November, 1846, under which General Scott was made "Commander-in-Chief of the American Army in Mexico," for the seizure of Vera Cruz and a march directly upon the Mexican capital. Scott had sent word at once to Taylor, ordering that nearly all the regulars, under Worth, Patterson, Twiggs, and Ruitman—the best and most efficient of Taylor's troops—should proceed to Vera Cruz, leaving Taylor to make, as best he could, a stand against Santa Anna with an army known to be the most effective that Mexico could put into the field. Taylor had met the situation with an ability and fighting energy which made Buena Vista a name of glory wherever the story was told. It had enabled him to leave General Wool in secure possession of a new northern frontier of Mexico, behind which lay New Mexico and the Californias added to the territory of the United States.

General Taylor was a Whig, but not on the lines of Webster and Clay. Near the close of the first session of the Twenty-ninth Congress there had come before the House what was known as the "Wilmot Proviso," a *proviso* added to a bill for authorizing the President to use \$2,000,000 in negotiating a peace with Mexico. David Wilmot moved the addition to this bill of a *proviso* forbidding slavery extension beyond the States where it already existed. The terms used were the same as those of the celebrated Ordinance of 1787, which forbade slavery extension north of the Ohio. The House accepted the proviso, but the bill was not acted on in the Senate. In the next session of Congress the House repeated its action, but the Senate rejected the proviso and compelled the House to agree to this.

Thus General Taylor and the Wilmot Proviso became elements of a political situation destined to profoundly affect the fortunes of the Democracy of New York.

On April 9, 1847, a Democratic legislative caucus issued a call for a convention to be held at Syracuse, May 19th, to nominate judges and a clerk of the Court of Appeals.

The Albany charter election, held April 13, 1847, resulted in the election of a Whig mayor by 3,334 over the Democratic candidate, and a Common Council of fourteen Whigs and six Democrats. The license question was a material element in the contest, and many Democrats openly and actively supported the Whig candidate. The vote on Mayor was: Democrats, 592; Temperance Party, 1,154; Whig, 3,926. In New York City the Whigs elected their candidate for Mayor by some 1,500 majority over the Democratic candidate, and twelve aldermen, to six elected by the Democrats. The Brooklyn election gave exactly the same result. Bad faith on the part of Democrats was openly recognized as the explanation of Democratic defeat in New York, about a thousand Democrats having voted the Whig ticket. The New York *Evening Post* was especially responsible for this apostacy of bolters, in the interest of the same national views as those of the New York *Tribune*. The *Atlas*, of Albany, was accounted by the *Argus* (May 1, 1847), a worker in the same field of "alienation and division in the Democratic ranks," furthermore, upon the view represented by the *Argus*, the "distraction and defeat of the Democratic party" thus brought about in the State of New York was "responsible for throwing the House of Representatives at Washington into the hands of the Whigs." On April 30th, 1847, in the hall of the Assembly, Asa Whitney sought some expression of public and legislative opinion on the project of a railroad from Lake Michigan to the Pacific. Resolutions recommending the work to the favorable consideration of Congress passed both branches of the Legislature by a nearly unanimous vote.

On May 11, 1847, a joint meeting of the Democratic members of the Legislature issued a call for a Democratic State Convention to be held September 29th at Syracuse.

The first Legislature under the new Constitution of 1846, which had made radical changes in the framework of government, concluded a session of 129 days, May 13th, 1847. It had passed acts 280 in number, and much that it had done was of importance to the permanent interests of the State. The adjournment taken was until September 8, 1847.

Prominent among the new features of the State organization was

the reorganization of the judiciary, which, in the words of Judge Amasa J. Parker, "was loudly called for by the public interest," the delays existing in many of our courts having shown a necessity for radical change. Of the new system Judge Parker said: "It brings to the public service ample force to secure a prompt administration of justice, and in a manner worthy of an age distinguished for its just and growing appreciation of popular rights."

The State convention, for nomination of Judges and Clerk of the Court of Appeals representing the Democracy of the State, was held at Syracuse May 19, 1847. The candidates nominated for Judges of the Court of Appeals were: Greene C. Bronson, Addison Gardiner, Free-born G. Jewett, and Charles H. Ruggles; for Clerk, Charles S. Benton. The *Argus* said of the convention and its candidates:

"The concluding proceedings were characterized by great harmony, and by a general belief that dissension and controversy would give place to a spirit of conciliation, and to a cordial and united support of the Democratic ticket. Chief Justice Bronson, Lieutenant-Governor Gardiner and Judges Jewett and Ruggles have long been associated with the judicial character of the State. Each of them has served in the highest judicial capacities with conceded honor and ability; and each has maintained, through a long and distinguished course, an enviable reputation for worth, purity, learning, and all the high qualifications which adorn and elevate the Bench and command the popular respect and confidence."

The Democratic district nominations for Justices of the Supreme Court were: Amasa J. Parker, of Albany; John C. Wright, of Schoharie; Henry Hogeboom, of Columbia, and Malbone Watson, of Greene.

The Whig State Convention, also held at Syracuse, May 19th, nominated for the Court of Appeals, Frederick Whittlesey, of Monroe; B. Davis Noxon, of Onondaga; Marcus T. Reynolds, of Albany, and Ambrose L. Jordan, of New York. This was also a strong ticket. In the Whig Convention a committee of eight was deputed to propose to the Democratic Convention a union ticket for Judges of the Court of Appeals. An equal committee, named by the Democratic Convention, carried to the Whig body a declination on the part of the Democrats.

In the election of June 7, 1847, the Democrats elected all the Judges of Appeals, Bronson, Ruggles, Gardiner, and Jewett, by an average majority of 13,895. Of the Justices of the Supreme Court the Democrats elected twenty-two, viz.: The entire four in each of the First, Second, Fifth and Sixth districts, three in the Fourth, two in the Third, and one in the Seventh; and the Whigs elected ten, viz.: Two in the Third, one in the Fourth, three in the Seventh, and four in the Eighth. The Democratic Clerk of the Court of Appeals was elected by something over 7,000 majority (7,094). Such was the result of the first election under the new Constitution, a substantial and sweeping Democratic victory. Somewhat over one-half the electoral vote was polled. Among the specially gratifying results were the large majorities for Judges Parker and Willard over their Whig opponents.

The result in the city of Albany was a Whig majority for Recorder of 870, for County Judge, 1,430; for Surrogate, 965, and for District-Attorney, 551. The *Argus* openly charged that "a majority of from 1,000 to 1,400 against the city Democratic tickets" was "the natural fruit of the open coalition with Whiggery, which had characterized the course and efforts of the Democratic *Atlas* and its abettors." It declared that "the partisans of Messrs Flagg, John Van Buren & Co. stood at every poll in the city and were more noisy and inveterate than the Whigs themselves;" and that they "peddled and urged" a ticket on which were the names of four Whigs, "to the exclusion of regular and well-known Democrats."

The position of the *Evening Post* of New York, under the editorship of the poet Bryant, was an element of the situation in which the Democracy of the State was involved by the open alliance of the Albany *Atlas* clique of Democrats with the Whigs. The *Argus* of June 21, 1847, denounced Mr. Bryant as "a crooked and wayward politician, and personally the propagator and abetter of calumny." Of Mr. Bryant and his paper the *Argus* said:

"Starting as a Federalist, and giving to the world, among his first lisps in rhyme, doggerel attacks upon the great Apostle of Democracy, it is not singular, nor perhaps unnatural, that the leaven of youth should exhibit itself through all the phases of manhood. The *Evening Post*, of which he is the principal and responsible editor, is scarcely

entitled to the name of a Democratic paper. It has rarely supported, entire, the regular Democratic ticket."

President Polk was the guest of the city of New York from Friday, June 25th, to Monday, June 28, 1847. The citizens of Albany tendered him an invitation to accept their hospitality on his return from New England to Washington, but urgent occasion for a speedy return by the nearest route compelled him to decline.

The meeting, July 5, 1847, of a convention at Chicago, for promoting the lake and river navigation of the West, gave occasion to comment on the position occupied by Comptroller Flagg, of the State of New York. Flagg had been Comptroller of the State for ten years, and, during his last incumbency, was most zealously opposed to all plans for the enlargement of the Erie Canal, and had pronounced against all lateral canals as likely to become a curse to the State. The stand thus taken by Comptroller Flagg was not only most unpopular, but facts of canal progress showed conclusively that his view of the growth of canal business was wholly wrong. While he had prophesied that canal receipts would never be any higher, they had doubled within three years.

The unexpected death of Silas Wright on Friday morning, August 27th, by an apoplectic stroke at his Canton home, removed one of the notable figures of the time. His full biography appears elsewhere in this work.

At the date of Silas Wright's death there was rising throughout the State, a demand for "New Men" to represent the Democracy of the State—an entire new ticket for State officers; candidates who were not in any way connected with the rival factions at the capital.

Press reports of September 2, 1847, enumerated thirty-nine Democratic journals in the State as heartily joining in the demand for new men on the Democratic State ticket; it was reported at the same time that Comptroller Flagg would not be a candidate for re-election, and that John Van Buren was about to remove to the city of New York to pursue his profession, and that he would not be a candidate for Attorney-General. There soon followed, however, authoritative denial of so much of this as referred to Flagg, to whom twenty-three years

of public service, including ten in the office of Comptroller, had not brought a desire for retirement.

Under date of September 1st, a letter appeared in the Albany *Argus*, from President Polk's Secretary of State, Hon. James Buchanan, strongly deprecating as unnecessary, impolitic and injurious any agitation of the question of slavery in any new territory which might be acquired from Mexico. Buchanan took the position that under the Missouri Compromise of 1820, slavery was forever prohibited north of the parallel of 36 degrees and 30 minutes; and that south of this parallel the question was left to be decided by the people. "In my opinion," Mr. Buchanan declared, "the harmony of the States, and even the security of the Union itself, require that the line of the Missouri Compromise should be extended to any new territory which we may acquire from Mexico." The question of any establishment of slavery in any such territory was not of the least practical importance, in Mr. Buchanan's view, and yet he said, "its agitation, however, honestly intended, can produce no effect but to alienate the people of different portions of the Union from each other; to excite sectional divisions and jealousies, and to distract and possibly destroy the Democratic Party, on the ascendancy of whose principles and measures depends, as I firmly believe, the success of our grand experiment of self-government." In conclusion, Buchanan asserted that these had been his opinions ever since the commencement of the unfortunate agitation.

The *Argus* pronounced the positions thus taken not only "impregnable in themselves," but "sufficiently broad for the Democracy of the Union to stand upon."

The Legislature met September 8, 1847, pursuant to adjournment from May 13th.

The Democratic State Convention assembled at Syracuse September 29, 1847, and spent that day and the next in an attempt to organize and to decide upon contested seats. At the close of the second day, after a protracted exhibition of asperity of feeling, the convention was found to be within the control of the "Hunkers" by about 67 to 61 "Barn-burners." On the third day the battle over contested seats was still on, and John Van Buren had spent four and a half hours in supporting a claim, which, upon being put to vote, secured only 49 supporters to

66 against it. The next day until 3 P. M. was occupied in further deciding contests, and that of John Van Buren and Mr. Litchfield of Albany was decided against Van Buren by 61 to 53 votes. The nominations made were: Nathan Dayton, of Niagara County, Lieutenant-Governor; Orville Hungerford, of Jefferson, for Comptroller, defeating A. C. Flagg by 59 to 47 votes; Edward Sanford, of New York, for Secretary of State, including the Department of Education; Levi S. Chatfield, of Otsego, for Attorney-General; George W. Cuyler, of Wayne, for Treasurer; Orville W. Childs, of Onondaga, for State Engineer; John C. Mather, of Rensselaer; Elisha B. Smith, of Chenango, and Frederick Follet, of Genesee for Canal Commissioners; and for State Prison Inspectors, Norman B. Smith, of New York; George Caldwell, of Montgomery, and John Fisher of Westchester.

Resolutions offered by Mr. Smith, of Wayne, in support of the Wilmot Proviso views were laid on the table by a vote of 69 to 45, and a second attempt in the same direction, which kept the convention in session until after midnight, was similarly defeated, by a vote of 49 to 32. This disposition of the matter was claimed to be in accordance with the judgment of the great body of the Democracy throughout the State.

In the address of the Convention to the Democratic electors of the State the portion dealing with special State interests contained the following on internal improvements, as dealt with by the Democratic Party and its political opponents, respectively:

"From 1817 to 1835 the State of New York had constructed about 650 miles of canal, and had reduced the debt incurred for that purpose, deducting available means on hand, to four and a half millions of dollars. We had then substantially all the works of internal improvements that we have now (1847). After the political revolutions of 1837 and 1838, under the control of our political opponents, we contracted a canal debt of more than twenty millions of dollars, and yet we have added but fifty miles of canal to what we had then.

"At the close of 1837 the entire debt of the State was only about \$200,000 more than it was in 1825, and the debt, over the funds on hand, was only about \$4,500,000 in 1837, and during this time the Oswego, the Cayuga and Seneca, the Crooked Lake, the Chemung and

Chenango canals were completed and put in operation; thus showing that in twelve years 165 miles of new canals were constructed, and yet the State debt was not materially increased from what it was in 1825. If the funds on hand be deducted from the liabilities, and most of those funds were applicable to the payment of the debt, there remained on the thirtieth of September, 1837, only \$4,540,474 of debt unprovided for.

"Up to 1838 the history of our canal system shows that, while we were rapidly extending our improvements to all sections of our State, we were at the same time paying off our comparatively small debt. Its success was a source of State pride and patriotic congratulation. These advantages were unqualified by debt or taxation, but unfortunately the safe policy which had formerly governed our legislative action was abandoned in 1838.

"The following sums were borrowed in the several years from 1838 to 1842: 1838, \$4,350,761.54; 1839, \$2,139,185.49; 1840, \$4,497,297.90; 1841, \$3,609,414.57; 1842, \$4,814,182.00. Total, \$18,410,841.50.

"It will be seen that the amount of debt created in 1838 was about equal to the whole State debt in 1837, deducting available means then on hand; and that in the period of five years liabilities were created to the enormous amount of \$18,410,841.50 for canals alone, independently of loans to railroad companies and other heavy charges upon the general fund. This system of policy was most destructive to our canal system in all its bearings.

"At this time, with a canal debt of \$20,000,000, we have only the unfinished Genesee and Black River canals, and the Erie Canal enlargement less than half completed, in addition to the canals in use in 1837, when our debt was about four millions and a half."

The Albany *Atlas*, especially representing John Van Buren, brought about, at a meeting October 8th, an open repudiation of the action of the State Convention, on the ground that it had "attempted to enroll the Democracy of New York in the cause of aggressive slavery," and with a declaration of full approval of the Wilmot Proviso. The *Atlas* inscribed at the head of its columns, as its cornerstone campaign principle, a resolution offered by David Dudley Field in the State Conven-

tion, the purpose of which was to avow "uncompromising hostility to the extension of slavery." The same resolution, exactly, had been offered by Horace Greeley, editor of the New York *Tribune*, in the Whig convention, and unanimously adopted by that body.

On October 18th the *Atlas* published a call for a convention of bolters, to be held October 26th at Herkimer. The New York *Tribune* announced in its morning issue of the same day that the *Atlas* would make this announcement.

On October 22d the Democratic State Central Committee issued a vigorous address "To the Democracy of New York," pointing out the proposal made by Daniel Webster to the Whigs of Massachusetts against any further prosecution of the war with Mexico, and appealing for loyal support to the national administration with whatever inevitable results in acquisition of territory might ensue.

The Herkimer Convention of the 26th voiced the spirit of bolting sympathy with Whiggism, and in the election of November 2d, 1847, the Whig State ticket was elected by a very large majority. The Assembly for the whole State stood 95 Whigs to 33 Democrats, and the Senate 24 Whigs to 8 Democrats.

Just previous to the election ex-President Martin Van Buren, in a published letter absolutely declining to be a candidate for the Presidency a second time, gave very strong expression of his opinion of the duty of the Democracy to give loyal support to the national administration in the crisis created by the Whig cry for stopping supplies rather than see territory acquired, over which, in new States, slavery might be extended. At the same time the son of the ex-President was directing a conspiracy of bolting Democrats in aid of Whig efforts to utterly shatter the Democracy of the State.

On November 18th, 1847, a Democratic legislative caucus, the motive of which was mainly Whig, decided upon the call, for February 16th, of a State convention at Utica. A motion to make it a Herkimer convention was voted down by 29 to 21.

Upon the publication December 6th, 1847, of the official returns of the election of November 2d, the Whig majorities on State officers were found to range from 23,516 to 38,729. The highest vote for any Democratic candidate was 17,124, a falling off from the vote for Polk

in 1844 of 91,534. The Whig vote, also, compared with that for Clay in 1844, showed a falling off of 36,974.

The message of President Polk, sent to Congress December 7th, 1847, took strong ground for prosecution of the war with increased energy and power in the vital parts of the enemy's country, with a view to insure an honorable peace, and thereby secure ample indemnity for the expenses of the war. The terms of peace which must be insisted on were stated to be the establishment of the boundary of the Rio Grande, and the cession to the United States of New Mexico and the Californias.

A second Democratic legislative caucus, the movers in which were Herkimerites, was held December 13th. On December 18th the Democratic State Central Committee issued a call for a State convention, to be held at Albany, January 26, 1848, in pursuance of the purposes of the Syracuse Convention, and opposed to the scheme of a bolters' convention. At this time, also, addresses from the Herkimer Democrats in the Legislature, and, from the regular Syracuse Democrats, were issued to the Democracy of the State. Thirty-five delegates were credited with favoring the regular address, thirty-seven signed the Herkimer Wilmot Proviso document. Meanwhile indications were not wanting, at Albany and Washington, that Whig schemes for starving the gallant armies of the nation had begun to create disgust in the minds of many Whigs. The Albany *Evening Journal* of December 28th, while admitting all the Whig views of the war as unjust and causeless, pronounced for unflinching prosecution of the war. This protest against a policy of scuttle in Mexico was echoed at Utica by the Oneida *Morning Herald*, an influential Whig journal. In the New York Legislature, Whig resolutions of censure upon President Polk, which passed to a third reading January 20th, 1848, in the Assembly, were voted against by every Democratic member present and voting.

The State Convention, which assembled at Albany January 26th to the number of nearly one hundred, made a declaration broadly supporting President Polk's administration, and condemning the Herkimer-Utica movement of alliance with the Whigs. Presidential electors were chosen for the thirty-four districts of the State and two at large, and Congressional committees were chosen.

The Utica bolters' convention assembled February 16th, 1848, and appointed delegates to the Baltimore Democratic Convention. The Albany Convention had recommended the election of these delegates by district conventions. A strong party in the Utica Convention wished to pronounce in favor of the nomination of General Taylor for President, and General Dix for Vice-President, but this the managers prevented.

With February 22d, 1848, a year had passed from the commencement, in the war with Mexico, of the bloody, but glorious battle of Buena Vista. With the evening of the next day the venerable John Quincy Adams, in the eighty-first year of his age, breathed his last in the Speaker's room at the Capitol in Washington, where he had lain insensible and speechless under a stroke which he suffered at 1 P. M. on the 21st. A eulogy upon Mr. Adams was delivered in Albany April 6th, 1848, by Hon. William H. Seward.

The treaty with Mexico upon the conclusion of the war was ratified March 10, 1848, by a vote of four-fifths of the Senate. What this war had cost in men and treasure was widely considered the direct result of Whig Mexicanism by prominent statesmen, whose speeches served to make the Mexicans think that their friends in the United States were in a position to cripple the prosecution of the war. The battles of Palo Alto, Resaca de la Palma and Monterey had been fought and won by vastly inferior American forces, and the defeat of their splendid army on the Rio Grande was bearing with crushing weight on the hopes of the Mexicans, when the speeches of Corwin and others against the war, and promising if they held out awhile a large party in the United States would come to their aid, caused a renewal of Mexican effort to put large armies into the field and to carry on the war with increased energy. Even after the bloody battle of Buena Vista, with Webster, Clay, Horace Greeley and the Whigs generally maintaining an anti-American crusade, the battles from Vera Cruz to the Mexican capital were fought before the opportunity for peace arrived.

On the third of March, 1848, a meeting of the Whigs proper was held at the Capitol in Albany to make a demonstration in favor of Henry Clay for President. Among the names of signers of this call

appeared that of John Van Buren. The tone of the meeting, given by Horace Greeley, the chief speaker, was that of ignoring the war, and of repudiating the claims of General Taylor. But during this month reports were in circulation to the effect that General Taylor was winning the Whigs of the Southern States by a declaration that the provisions of the Wilmot Proviso ought not to be accepted. On April 20th, 1848, General Taylor wrote a letter stating that if nominated by the Whig National Convention he would not refuse acceptance, provided no pledges were demanded and he was permitted to maintain his position of independence of all parties. He also declared that he was a Whig, but not an ultra-Whig, and that, if elected he would not be the mere President of the party, but would endeavor to act independent of party domination, and should feel bound to administer the government untrammelled by party schemes.

On the third of May, 1848, a bill was reported to Congress to set apart and sell to Asa Whitney, of New York, a portion of the public lands, to enable him to construct a railroad from Lake Michigan to the Pacific Ocean.

The Baltimore Democratic National Convention met on the 22d of May, 1848, and the question between the Syracuse regular Democracy and the Herkimer pro-Whig bolters was decided against the latter by the committee on credentials. The convention, disregarding this report, gave seats to both delegations with power to cast the votes of New York. To this the Herkimer delegation responded by withdrawing from the convention and the Syracuse delegation by declining to vote. The convention nominated Lewis Cass, of Michigan, and William O. Butler, of Kentucky, as presidential and vice-presidential candidates.

The Herkimer-Utica bolters, after withdrawing from the Baltimore Convention, resolved not to support the ticket at that convention, and further brought about the calling of a convention at Utica, June 22d, to nominate a national ticket and "to propose an address to the Republicans of the State." The *Globe* and *Evening Post*, of New York, indulged in fierce appeals in favor of the bolting State convention and against the Baltimore nominees. The Whig National Convention assembled at Philadelphia on the seventh of June, 1848, with the New

York delegation reported by Horace Greeley as 32 for Clay, 3 for Scott, 1 for Daniel Webster and none for Taylor. Upon the first ballot, June 8th, the vote stood, for Taylor, 111; for Clay, 97; for Scott, 49; for Webster, 22, and for Clayton, 4. On the second ballot the only changes were Taylor to 118 and Clay to 88. The third ballot, June 9th, gave Taylor 133; Clay, 74; Scott, 53; Webster, 16, and Clayton 1. The final ballot gave Taylor 171; Scott, 63; Clay, 30, and Webster 13. On this ballot New York gave Scott 17, Taylor, 6, and Clay 13. Millard Fillmore was nominated on the second ballot, June 9th, for Vice-President, by a vote of 173. Massachusetts delegates bitterly denounced and openly repudiated the nomination of General Taylor, and to New York Whigs it was an extreme disappointment, not to say an occasion of great indignation. Daniel Webster and Henry Clay, each a colossus of statesmanship, in party view, were sent to a back seat, while a soldier of Southern sympathies was entrusted with the national standard! But this action is not unique in American history.

On the afternoon of June 8th, 1848, General Cass received a grand welcome in New York, and from this point he proceeded to Albany, thence to Syracuse and on to Buffalo.

On the evening of June 16th a great demonstration of "unchanged Clay Whigs" was held in New York to express extreme disapprobation of the Taylor and Fillmore ticket. Horace Greeley said: "If General Taylor shall consent to be the Whig candidate, identified with the great cardinal principles of our party, I shall feel bound to support him; but, with the defeat of Mr. Clay I have ceased to seek or desire to lead public opinion in this matter." One speaker carried the enthusiasm of the meeting to the highest pitch by declaring for a Clay ticket.

The Utica bolters' State Convention of June 22d put in nomination for the Presidency Martin Van Buren, of New York, and for the second place on the ticket used the name of General Henry Dodge, of Wisconsin. The ex-President, thus made a figurehead, had written a letter, in which he said: "I do unhesitatingly approve of the course you propose to pursue in withholding your votes from General Cass, and shall do so myself. If no other candidates than those now before the country are presented, I shall not vote for President."

It was said that B. F. Butler gave the assurance to the convention, after the nomination had been made, that it would not, under the circumstances, be declined.

Henry Clay was heard from at this time as taking the ground that the convention at Philadelphia had abandoned the principles and dissolved the organization of the Whig Party.

General Taylor's acceptance of the Baltimore nomination expressly reasserted his independence of party and refusal to serve as a Whig figurehead. The Albany demonstration of June 27th in response to the Philadelphia nomination was more an explosion of dissent and disgust than a voice of approval. The indignant refusal of General Dodge, of Wisconsin, to figure with Van Buren as a disgruntled and disloyal Democrat added, about July 1st, to the confusion of the situation in New York. General Dodge had been elected to the United States Senate from Wisconsin, and his son, General A. C. Dodge, was at the head, as an elector-at-large, of the Cass and Butler ticket in Iowa.

On July 29th the Democratic State Committee issued a call for a State convention to meet at Syracuse, September 5th, 1848. The chairman of the committee, John V. L. Pruyn, issued a stirring address to the Democracy of New York, urging the utmost possible effort to defeat the Taylor army ticket, and to bring to naught the "selfish and ingrate" schemes of ex-President Van Buren, under whom, in 1840, the party had suffered "an inglorious and overwhelming defeat."

The Buffalo convention of bolters from the Baltimore nominations nominated, August 10, 1848, Martin Van Buren for President and Charles Francis Adams for Vice-President.

Under date of June 17th Mr. Fillmore wrote a letter of acceptance of his nomination at Baltimore. This letter, dated at Albany, did not become public there until July 29th, Mr. Fillmore having made a long delay before sending it. Meanwhile nothing had been heard from General Taylor, and it turned out that the letter notifying him of his nomination to the Presidency had not reached him, and in reply, July 15th, when it (dated June 10th) had reached him, Taylor wrote, July 15th, saying, "I cordially accept." In regard to this acceptance General Taylor said, in a letter which became public at Charleston

August 6th: "I have accepted the nomination of the Philadelphia Convention, as well as the nomination of many primary assemblies gotten up in various sections of the Union, in some instances irrespective of party; and would have accepted the nomination of the Baltimore Convention had it been tendered on the same terms."

About this time a Taylor and Butler meeting of Democratic citizens of Charleston, held for the purpose of nominating Taylor for the Presidency, had been reported to General Taylor by a letter of July 26th, and he replied to this, August 9th, accepting first place on a ticket which was called Democratic, and which, as to the second name, was wholly Democratic. The announcement of this, August 26th, at Albany, resulted in a tremendous demonstration of consternation and wrath, that very evening, on the part of the Albany Whigs, to whom Taylor, preferred to Clay, had been a cruel disappointment. Although intended to deal a blow of blind anger at General Taylor, the Albany meeting only served to advertise Taylor's chances, and to encourage Whig hopes, in the face of indications that Cass and Butler would be elected. Daniel Webster, meanwhile, had made at Marshfield, Mass., his "only campaign speech," and had pronounced Taylor's nomination one "not fit to be made, not satisfactory to the Whigs of Massachusetts," and "without precedent or justification." The "great expounder," however, gave as his opinion that General Taylor "has no disposition to go to war, or to increase the limits of slavery, or to allow of the annexation of new States to the Union."

On September 5th, 1848, the Democratic State Convention at Syracuse nominated Reuben H. Walworth, of Saratoga, for Governor, and Charles O'Connor, of New York, for Lieutenant-Governor. The address issued by the convention said: "The position which we occupy on this question of slavery, viewing it as one that concerns the whole country and with reference to constitutional provisions, is this: We regret that it should exist anywhere, but we have neither the right nor the power to interfere with it in any State of the Union except our own. It is not our concern that slavery has been abolished in some of our sister States or that it still exists in others, for neither, in this respect, were dependent upon, or under any obligation to us. And as to territory belonging to the United States into which it may

be sought to introduce slavery, we desire that the citizens of such territory should decide the matter for themselves. All agree that the people of the several States have an exclusive right to dispose of the question of slavery within the limits of such States, and why, we would ask, may not a similar power, with equal propriety, be conceded to the people of a territory? The citizens of Oregon have recently exercised that power as they deemed proper, and we are wholly unable to discover any reason why those of California and New Mexico, when those territories come to have a population qualified for self-government, should not also possess and exercise a similar power."

The anti-Taylor spirit among the Whigs found expression in a large and enthusiastic meeting at Poughkeepsie, September 2d, 1848, the purpose of which was to secure a Clay and Fillmore ticket for the use of disgruntled and desperate Whigs. A similar demonstration was made in New York September 7th, and the declaration boldly made that General Taylor had no claim upon the Whigs; and hopes were expressed that a Clay ticket would carry New York State by 50,000 majority.

The "codfish and cabbage" ticket was put in a bad light at this time by the publication of a contemptuous opinion of Martin Van Buren, which Adams had published in 1844. Mr. Adams charged in 1844 that Van Buren had "bargained away the right of petition, protection to home industry, freedom of speech, and indeed almost every other security of liberty, for the sake of assuring himself of the support of the Southern States."

Syracuse had a Clay, anti-Taylor demonstration September 11th, and Albany followed, September 14th, with a great explosion of Whig enthusiasm for "Clay, Fillmore and Whig principles."

On September 13th a Van Buren convention at Utica received into fraternal co-operation an abolition convention, and on the 14th put in nomination General John A. Dix for Governor and Seth M. Gates, a Whig Abolitionist, for Lieutenant-Governor. General Dix had pronounced, immediately after the Baltimore nominations, for support of the ticket, and had pledged himself to do nothing adverse to party success.

The Whig Convention at Syracuse, September 14th, nominated

Hamilton Fish for Governor and George W. Patterson for Lieutenant-Governor.

The national election, held November 7th, but not fully reported as to the complete result until November 27th, gave Cass 127 electoral votes and Taylor 163. Each candidate had fifteen States. The 36 votes of New York and the 26 of Pennsylvania went to Taylor; the 23 of Ohio to Cass. New York gave Taylor 218,546; Van Buren, 120,517, and Cass, 114,583. The vote for Governor was 218,616 for Fish; 122,583 for Dix, and 116,019 for Walworth. Of members of Congress, New York elected 32 Whigs, 1 Democrat and 1 "free soil" Abolitionist. Horace Greeley was among the new members.

CHAPTER XVI.

Gold Rush to California in 1849—Inauguration of Zachary Taylor—Closing of the Seventy-second Legislature—Death of James K. Polk—Conventions and Elections of 1849—Death of President Taylor—Inauguration of Millard Fillmore—Admission to Union of California—Compromise Measures—Conventions and Elections of 1850.

A LETTER of August 29th, 1848, in the Albany *Argus* of December 11th, gave a graphic account of the wild rush of seekers for gold over a region of California some two hundred miles north and south and some sixty miles east and west, with new discoveries every day enlarging these limits. The report of the Secretary of War to the second session of the thirtieth Congress contained a letter from Colonel R. B. Mason, dated September 10, 1848, in which he set forth the situation suddenly created by the rush to the gold fields. Colonel Mason was military commandant of California, and, with Lieutenant W. T. Sherman, he visited the scenes of the earliest gathering of gold. On June 20th he found San Francisco almost deserted, and going thence to Sutter's Fort, which was reached July 2d, he everywhere found "mills lying idle, fields of wheat open to cattle and horses, houses vacant and farms going to waste." Some three months before the first discovery had been made, and already not less than 4,000 men, of whom more than one-half were hired Indians, were at work, and \$30,000 to \$50,000 in gold was daily obtained.

Under the head of "Time and Space Annihilated," the Albany *Argus* of December 12th, 1848, commented on the fact that "in just twenty-four hours" the entire message of President Polk, "even to the punctuation and paragraphs, a thing not usually done in telegraphing," was telegraphed from Baltimore to St. Louis, and was at the

same time "dropped" at about twenty places on the way. The *Philadelphia Ledger*, in reporting this, said:

"The idea of a document of 50,000 words appearing in print in a city nearly one thousand miles distant from Washington, twenty-four hours after its delivery, is almost beyond belief."

On December 11th Douglas introduced in the United States Senate a bill contemplating the admission at once, as a State, of the entire territory acquired by the treaty with Mexico, giving it two representatives in Congress until the census and apportionment of 1850, and reserving to the United States the right to create other States out of that portion of the territory lying east of the summit of the Sierra and California mountains.

At this time the project of a railroad across the Isthmus of Panama was before Congress under the memorial of the mail contractors by steamers to Chagres and from Panama to ports on the Pacific. The transit existing was by canoe up the Chagres River as far as Cruces, in about thirty hours, and thence by a mule road in about ten hours to Panama. The distance for a railway was about fifty miles, and they proposed to accomplish the gigantic undertaking in three years.

The completion in December, 1848, of the railroad connecting Whitehall with Saratoga was noted by the *Albany Argus* of December 16th as completing the link of steam communication between the Hudson River and the lakes. The trade report of the canals for the season of 1848 showed a trade balance of \$25,537,571 in favor of New York. That for 1847 had been the other way to the amount of \$1,260,398.

At a meeting of Southern members of Congress, held December 22d, 1848, a telegraphic report, December 27th, said that it was unanimously resolved that a separation of the Union was preferable to submission to the Wilmot Proviso, and that the faith of each was pledged to protect Southern interests in the territories at the point of the bayonet. The immediate occasion for action of this kind was the introduction, December 21st, in the House of a resolution moved by Mr. Gott, of New York, for the abolition of the slave trade in the District of Columbia. Upon consideration of this motion, Mr. Holmes, of South Carolina, had proposed to move that the Southern members leave their seats, and when the motion had been generally greeted with "No,

No, No," and had been pronounced out of order, Mr. Holmes had himself taken his hat and left the House.

At this moment of agitation and peril the *London Times*, in view of the recent presidential election, gave expression to the following opinion of Democratic stability in America :

"Whatever may be the fate of popular governments in Europe, a greater testimony could not have been afforded of the stability of democratic institutions in America than that just offered by the calmness with which twenty millions of people, scattered over so vast a surface, and representing so many conflicting interests, have proceeded, in a time of almost universal excitement, to that which is the greatest trial of their system—the election of a chief magistrate. And it is not uninteresting to observe that while so many systems have been tottering around us, and while it has been so fashionable to malign the people as in every instance the sole cause of the wrecks that have taken place, and of the confusion and anarchy which have prevailed, the only political fabric which has not only stood firm amid the storm, but has not ever been assailed by a menace, is that which rests upon a purely democratic basis—in fact, begins and ends in the people."

To bring more distinctly into view the position of England and America at this time, as the latter was represented by the Polk Democratic administration, we may spend a moment in looking back to the first day of 1846. That year came in with the Oregon boundary question threatening the peace of America and England. The year 1845 had gone out with more or less of a war panic, in view of the stand taken by the British minister of refusal to accept the very large concession which President Polk proposed. This panic had subsided somewhat, when it was roused again by examples of American Whig writers taking sides with England for a boundary not higher up than 49 degrees—a concession to England of the region from 49 degrees to 54 degrees 40 minutes. President Polk's message to Congress had referred to the proposition made to the British Minister to have the 49th parallel the line to the north of Oregon under American rule, as it was farther east; but this proposition the British Minister had at once declined, and had thus given rise to fear that war might result.

Ex-President John Quincy Adams made a speech in the House, Jan-

uary 2d, vigorously objecting to any concession to England, or any compromise which involved giving up any part of the Oregon territory south of 54 degrees 40 minutes.

Governor Silas Wright, in his message of January 6th, 1846, to the Legislature of New York, took ground strongly and unequivocally sustaining the position of President Polk. On January 12th the United States Senate voted by 32 to 18 to postpone the motion to annul the existing arrangement with England, under which the question of boundary across Oregon was left undecided.

There was in the popular mind at this time an intense development of imperialism, and a new consciousness of the place of America in world history. The new Oregon territory, under the claim extending from the parallel of 42 degrees north latitude to that of 54 degrees 40 minutes—nearly 400,000 square miles, and about equal in extent to the original thirteen United States—was looked upon as the seat of America in relation to Asia such as the Atlantic States are in relation to Europe.

On January 15th the Southern caucus reported an address which had been drawn up by Calhoun, with Bayly's assistance, but after protracted discussion its recommittal was ordered. Calhoun's position was that of urging the dissolution of the Union as preferable to submission to enforcement of the Wilmot Proviso, but this was not agreed to by the committee in charge of preparation of the address.

On January 6th, 1849, the House of the New York Legislature passed, precisely as they had previously passed the Senate, a set of resolutions of instruction to the New York members of Congress to urge the dismemberment of Texas, and the taking of a large part of her nominal territory as United States territory, and to oppose the establishment of a territorial government in New Mexico. These resolutions were presented to the United States Senate on January 22d, and occasioned a debate not the least remarkable feature of which was the high and indignant tone of feeling which characterized the speeches of Southern Senators under what they regarded as an insult.

On February 6th, 1849, an election of a Senator in Congress from New York for a term of six years from March 4, 1849, resulted in the choice of William H. Seward.

At midnight on Saturday, March 3d, 1849, the administration of James K. Polk came to an end, and on Sunday, March 4th, General Zachary Taylor entered upon the Presidency.

The Legislature closed its hundred days of the seventy-second session on Wednesday, April 11th, 1849. An act establishing free schools throughout the State was among the public acts passed; and also bills to incorporate the Panama Railroad Company, and steam lines from New York to Liverpool, and from New York to Havre. The Democratic members of the Legislature issued an address, the concluding passage of which said:

"We suggest that both organized sections of those that once composed the united Democracy of the State hold their next State convention at the same time and place, and that the Democratic State Committee take such measure as in their judgment shall best conduce to the attainment of the great object of union; and that, if practicable, candidates for the next State election be nominated who shall be acceptable to all, (and) who, in accordance with a liberal spirit of compromise, may receive a united support. We solicit the Democracy of the State individually, in their collective assemblies, and in all of their conventions, to exert their best energies and liberal sentiments to secure a perfect union and universal fraternization of the true Democracy of the State and the Union." How often since that day has this appeal, unfortunately, been necessary!

The Free Soil Democrats issued an address and a call for a convention at Utica, September 12th, 1849, a step which left the regular Democracy to accept this initiative if the aspirations for reunion of the party and its bolting faction were to be acted upon.

In national matters many indications of failure of the Taylor administration to act on broad, non-partisan principles had come to public notice before two months after Polk's retirement had passed. It was but too evident that the spoils system was as real with Taylor as it ever was with Jackson. Sweeping changes and removals, even against public interest and popular demand, in the instance of post-offices, were the order of the day, in total disregard of General Taylor's abundant campaign professions.

On May 15, 1849, the Democratic State Committee, John V.

L. Pruyn, chairman, issued a call for a Democratic State convention, to be held September 5th, 1849, at Syracuse, and this call was accompanied by some remarks on "the distractions and divisions" of the Democracy of New York, which had "not only given to its political opponents the control of public affairs in the State, but brought upon the country at large the further calamity of a Whig administration."

"The committee," the address concluded by saying, "invite all sincere Democrats, however alienated or separated heretofore by circumstances and events, to meet, upon the old common and safe ground which time has sanctioned and principle and patriotism confirmed, and by united efforts, by mutual concessions, and by the nomination of a ticket acceptable to all, restore and maintain the Democratic ascendancy in the State and in the Union." Forty-five to fifty of the Democratic journals of the State seconded the call and appeal made by the State committee.

Of the spirit finding expression at this time an instance appears in words of the negro orator Frederick Douglass to the effect that the death of Major-General Worth meant "one legalized murderer gone from among us," and that he "should have no tears to shed if the news should come to-morrow that every promoter of an unholy war and every oppressor of his fellow had been taken from the earth"; and also that, "identified as he was with his brethern who are in bondage at the South, he would welcome the intelligence that an insurrection had broken out among them, spreading death and devastation through the land, if by such means their liberty could be obtained." The scene of these utterances was the platform of the New England Anti-Slavery Society in Boston.

On May 22, 1849, a letter from George Lippard, of Philadelphia, to President Taylor was published. It most unsparingly impeached his integrity, because of express pledges made to Mr. Lippard in a letter of July 24, 1848, and grossly violated, after an election to the Presidency, by votes in Pennsylvania of Democrats whom these pledges influenced. There was no question of the express character of the pledges, nor was there any of their comprehensive and shameless violation.

The death of Ex-President Polk at Nashville, June 16, 1849, at the

age of fifty-three years and seven months, removed from the political scene one of its most conspicuous and most respected figures.

On June 20th Chairman John V. L. Pruyn, of the Democratic State Committee, addressed to the State Committee of the Free Soil faction a proposal that the two committees unite to secure a convention of each of the parties at Rome, August 15th, to consult upon and devise means of union, and to meet in joint convention and suggest a union ticket, if this should be deemed expedient. On July 3d the Radical Democracy, as they designated themselves, accepted the proposal for a Rome convention August 15th.

The Albany *Argus* of July 16th, 1849, said under the head of "The Democratic Attitude on the Slavery Question":

"The Democrats of the Empire State have a great duty before them. The convention they are about to hold at Rome is one of the highest importance. It will determine their position in the next presidential campaign and in all the future contests for the supremacy of the Democratic or the Federal features of our government.

"A declaration of opposition to the extension of slavery to free territory might not be objectionable; but we would make no such declaration unless coupled with the disclaimer that we recognize anything on the subject as a political test."

The meeting of the Democratic and Radical Democratic conventions on August 15th, 16th and 17th was without result in the direction of union. The regular Democratic Convention was not only one of the largest, but one of the most distinguished political bodies ever assembled in the State. The Radical Democrats made haste in their convention to adopt resolutions laying down the Wilmot Proviso as an essential part of any basis of union. On this basis the regular Democrats declined to go into joint convention, although willing and desirous to assert the principle, as a basis of union, of opposition to the extension of slavery to free territory. The Radical, or Free Soil Democrats defeated union by pronouncing beforehand for unconditional acceptance of the Wilmot Proviso, without any sort of modification. The address issued by the regular convention put upon the Radical leaders the brand of regarding "division and disseverance of the Democratic Party, the formation of a new sectional party, and the

enforcement of new and degrading tests as the only means by which they hope to advance their political or personal aims." The address reviewed the history of the slavery agitation, from its origin in the Hartford Convention, with a view to showing that it has been used to divide, dissever and defeat the Democratic Party.

Prominent citizens of Monroe, Livingston and Orleans counties, representing both sections of the Democracy, were reported, August 27th, as having united in a call for a union mass convention, to be held at Syracuse on the 14th of September, with a view to recommending a Democratic union ticket, and taking other steps looking to Democratic harmony.

The Democratic Convention called to assemble at Syracuse, September 5th, adopted, on the 6th, a State ticket, and at the same time authorized the State Committee to withdraw the candidates for Judge of the Court of Appeals, Secretary of State, Treasurer and State Engineer, in case the Utica Radical Convention, to be held on the 12th, should make suitable nominations for these offices. The Free Soil Convention accepted the opportunity thus given them, and made the four nominations. It also nominated as its own candidates the four nominees of the other convention. The mass convention at Syracuse on the 14th thus found their work already done, and they therefore merely endorsed what the two previous conventions had accomplished. The action of the Utica Convention was accepted, September 19th, by the Democratic State Committee as entirely satisfactory, and the composite ticket was pronounced the regular ticket.

An indication of Democratic activity at this time appeared in an address of the Young Men's Democratic Council of One Hundred, of the City of Albany, October 3d, 1840, contrasting in clear and forcible terms the respective positions of the Federal, or Whig Party, and the Democratic Party. The address pointed out that, while General Taylor had loudly professed that he was not an ultra-Whig, he had come into office surrounded by a Cabinet composed of the most violent and embittered Federalists. In contrast with the administration of President Polk, General Taylor's administration had proved recreant, in the case of Hungary, to the American principle of generous sympathy with struggles for liberty in the old world. The pending elec-

toral campaign would be decisive of the political character of the national Congress, and the outlook was most hopeful. "But it is not to be imagined that the victory is to be an easy one," said the address. "The results of treachery, ingratitude and lavish expenditure are not easily given up by the Federal Party. They still hope for a gigantic monster bank, for an unequal and oppressive tariff, and for a continuance of the places of honor and profit in the national administration. And the Empire State must again be steeped in debt to gratify their longings for internal improvement.

"Every advance is distrusted and resisted by the Federal Party, which in all its theories, principles and actions has ever been behind the age. That there is a sufficient amount of Democratic strength to overcome the combined hosts of Federalism and its factional adjuncts there can be no doubt. Let the young Democrats of the Empire State organize immediately, and the knell of Federalism is already sounded."

It will be observed that representatives of the second and third generation after Washington very distinctly preserved the point of view which contrasts Democratic with Federal, and popular with aristocratic principles. And it must be particularly noted that when the authors of this Democratic appeal against Federalism refer to guarding and preserving the integrity of this Union, they refer to the separation and rights of the States, the tradition of which was so familiar to the Colonies before and during the Revolution, and which Federalism was assumed to have threatened with limitation, if not with overthrow. The great popular instinct in all the Colonies, and early States, was that of sovereignty in each of the distinct peoples, and of a Union on the lines of a fellowship, of unimpaired sovereignties. The idea of any national sway whatever, supreme over these sovereignties and suppressing them in certain respects, was not only a new idea, difficult of comprehension, and more difficult still of application, but it was reckoned an English idea, a notion of aristocrats, a dangerous looking back from the ideals of liberty.

The State elections in the fall of 1849 showed changes from Whig to Democratic equal to 49 electoral votes. Pennsylvania, Tennessee and Georgia had helped to make General Taylor President; but a

brief experience of his administration had sent these States back into the Democratic column. Ohio followed, and with Maine handsomely carried by the Democrats the outlook for Democratic recovery of power was most hopeful. Even Florida, the theater of General Taylor's exploits with the Indians, gave decisive indications of striking the Whig flag.

In the New York State election, November 6th, the contest was expected to be close, and the first returns indicated, not only that New York City and Albany had been carried by the Whigs, but that the State was in doubt at least as to four of the eight candidates voted for. The returns available after ten days showed the election of Freeborn G. Jewett, Judge of Appeals; Levi S. Chatfield, Attorney-General; Frederick Follett, Canal Commissioner, and Darius Clark, State Prison Inspector; while the Whigs had elected Washington Hunt, Comptroller; Christopher Morgan, Secretary of State; Alvah Hunt, Treasurer, and Hezekiah C. Seymour, State Engineer. In the judicial districts the Democrats elected, in the Second, John W. Brown; in the Third, Henry Hogeboom; in the Fifth, Frederick W. Hubbard, and in the Sixth William H. Shankland; while the Whigs elected, in the First, William Mitchell; in the Fourth, Daniel Cady; in the Seventh, Thomas A. Johnson, and in the Eighth, James A. Hoyt. A Democratic majority of two in the House was offset by a Whig majority of two in the Senate. The average vote of the four Democratic judges was 97,013; that of the four Whig judges, 99,423. The full returns showed that for the entire State the Democrats had fallen a few votes behind the Whigs.

In the United States Congress, December 13th, 1849, Robert Toombs, of Georgia, made a vehement speech in review of Free Soil and Abolition proceedings, declaring that he would insist on Southern rights; that rather than submit to further aggression the South would resist; and that he was for disunion if this state of things should continue.

On January 16, 1850, Clemens, of Alabama, in a speech of great heat and bitterness, denounced the Northern Democrats as less to be trusted than even the Whigs in the matter of the slavery issue. Dickinson, of New York, in a speech of remarkable power, repelled the

charge, and declared that even the Abolition fanatics were outdone in mischief-making by the fire-eating, pro-slavery extremists.

In January a considerable convention of Abolition promoters was held at Syracuse and disunion openly advocated "on the highest moral and religious grounds." Garrison and the negro Douglass were especially violent in disunion declarations. A gathering of sympathizers with these declarations was held at Albany, in the hall of the Assembly, January 31st.

In the latter part of January, 1850, Colonel Jefferson Davis, in reply to resolutions of instruction of the Vermont Legislature on the question of slavery said in a speech in the United States Senate:

"The constant drippings must inevitably—yes, sir, and speedily—wear away the bonds which have united us as one people. These are such outrages as change the heart of a nation and turn it from feelings of fraternity into the bitterness of civil strife. I know the temper of those I represent. They require no promptings to resist aggression and to repel insult. Their determination is calmly and irrevocably fixed, as will be shown when a crisis requires their action. This is our position—you of the North have not respected it. I know yours, and cannot respect it; and, knowing it, came to this session of Congress with melancholy foreboding—with apprehension that it might be the last of our government. Doubt gathers upon doubt, and conviction slowly but steadily settles upon the mind, that aggression is the fixed policy of the North, and that the hour for Southern resistance is at hand. In the halls of Congress Southern representatives are put on the defense of a domestic institution which they inherited and which, notwithstanding the guarantees of the Constitution, it is attempted to destroy by Federal interference."

On January 29th Clay offered Compromise Resolutions, and supported them in an elaborate speech. Rusk, of Texas, Davis, of Mississippi, and Mason of Virginia opposed them. The eight proposals of Clay so far failed to make a real compromise as to secure support from neither side of the Senate.

The slavery question was taken up in the Legislature of New York, in a series of resolutions offered in the Senate early in the session, and finally passed in the House, February 14th. The purpose of these res-

olutions, which was to make an occasion for a division of the Democrats, was for the most part defeated.

In the Senate, February 5th to 15th, Henry Clay spoke at length on the Compromise Resolutions by which he sought to meet the situation. He said that if Congress attempted to interfere within the States his vote would then be for war. Then the South would be called upon for resistance. After an hour and a half of impressive argument and appeal on the 5th, he continued for two hours on the 6th. There was anything but compromise in the reception accorded the speech. The Southern Senators, without distinction of party, rejected it, declaring that the resolution in relation to territorial governments proposed, virtually, as direct prohibition of slavery therein as that of the Wilmot Proviso. And not a single Northern Senator came to the support of Clay's appeal. His proposition was, the admission of California with no restriction as to slavery, and the establishment of territorial governments for the territories acquired from Mexico, outside of the boundaries of California, with no conditions or restrictions affecting slavery. General Houston made a speech of great power in the Senate February 9th, in which he urged extension of the Missouri Compromise to the Pacific, and declared his unyielding hostility to any application of its restrictions south of the line fixed in that compromise.

A great Union meeting at Castle Garden, in New York, unanimously endorsed Clay's proposals.

California had taken action without waiting for action at Washington. The people assembled in September, 1849, at Monterey, and on October 13th a constitution was signed by members of a convention entrusted with the duty of calling into being the State of California. In the Constitution adopted slavery was prohibited.

On February 11th Senator Chase, of Ohio, presented in the Senate of the United States a petition from citizens of Delaware and Maryland asking a peaceful dissolution of the Union—"a prayer," said the Albany *Argus*, "that could only come from the most desperate characters or from perfect madmen." Three Senators only, Chase, Hale and Seward, voted to receive it, and fifty voted refusing to receive. Senator Cass protested that any such action would mean "one of the bloodiest wars the world ever saw." Just at this time an Abolition

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meeting, held in Faneuil Hall, Boston, denounced the poet Longfellow for his lines on "The Ship of State."

W. L. Garrison offered the resolution, declaring regret that "the poet Longfellow has prostituted his fine poetical genius to eulogize the blood-stained American Union as freighted with the hopes and interests of humanity," when in fact this same Union "was destined to go down 'full many a fathom deep' to the joy and exultation of all who are yearning for the deliverance of a groaning world." The Garrisonian genius for violent exaggeration ran wild to all lengths of crazy mendacity from this time on, with unquestionably the most deplorable effect to exasperate not only the South to pro-slavery anger, but even the North to hesitation in anti-slavery resolution and zeal.

An Albany *Argus* Washington letter of February 10th said:

"The passage of the Wilmot Proviso into a law will certainly fearfully convulse, if not utterly dissolve, this Union of States. No man here pretends to doubt it, not even those who are most profuse in their sneers at the inability of the South to carry out their threats. Conscious that slavery is already virtually excluded from the territories, the South will regard the passage of the Proviso as intended as a personal indignity and insult, and designed to degrade them in the eyes of the nation and the world, and they are determined to resent it accordingly. Is it worth while when the end proposed has already been accomplished with reference to California, and is morally certain to be similarly accomplished in reference to the other territories—to force the South into this extremity for the sake of the assertion of a mere abstraction which can be of no practical utility?"

The New York *Journal of Commerce*, early in February, 1850, speaking of "the dangerous crisis" created by the slavery question, said:

"As the case originally stood, it seemed incapable of solution. But as it now stands the solution is easy. The gold discovery produced a wondrous change. In a few short months it rendered the establishment of slavery in California impossible. The rest of the new territory west of Texas will follow the same example."

California, the new State, elected J. C. Frémont and William M. Gwin Senators from the State in Congress. The Legislature of

the new State met December 15th, 1849, and on December 20th had taken place the inauguration of a Governor and Lieutenant-Governor. Of the 54 members of the Legislature 47 were Democrats.

On March 4, 1850, Senator Calhoun presented an appeal to the Senate, in a two hours' speech, which was read by Mason, of Virginia. He said that the primary cause of Southern discontent was the loss of equilibrium between the South and the North, and that if it was not settled it would end in disunion. Reviewing the charges of Northern aggression, he said the North was forcing the South to secede, and it must come unless the question was fairly and speedily settled. The Ordinance of '87, the Missouri Compromise and the exclusion of slavery from Oregon were acts of the general government giving control to a sectional majority by which the South was deprived of its share in the territories. The system of revenues and disbursements, moreover, which the North had adopted, had imposed unequal burdens on the South. Congress, also, he said, had taken action concentrating power in the Federal government, to the prejudice of the rights of the States. The result was the ascendancy of the North in every department of the government. There had developed, moreover, a hopeless antagonism between the views and feelings of the North and those of the South relative to the institution of slavery, which the South felt to be necessary to her social organization. The cords of church union were breaking, and not less those of political organizations. The Union could not be saved by any such plan of compromise as Clay's or that of the administration.

The course taken in California, setting up a State without the enabling action of Congress, was in gross violation of Constitutional principle, and the exclusion of slavery by the State Constitution adopted was without validity. The one basis of continuance of the Union was the concession to the South of equal participation in the territories, fidelity to the law in regard to fugitive slaves, cessation of aggressive agitation against the social situation in the South, and such an amendment of the Constitution as would give the South equal power with the North for self-protection. The admission of California must serve as a test, decisive of the intention of the North not to meet the just

demands of the South. If this is the case, let the States agree to separate and part in peace.

On March 8th General Houston made a speech, the whole tone of which was in opposition to extreme Southern views.

On March 7th Daniel Webster startled his Massachusetts Free Soil constituents, and surprised the political world generally, by a speech of reply to Calhoun, which yet took the most decided ground against the Wilmot Proviso as unnecessary and useless, and in favor of leaving all territories open to the slave States as well as to the free, and further declared readiness on his part to do anything requisite to secure action under the law for the arrest of fugitive slaves.

That Webster's speech was a profoundly just review of the historical facts, and of the situation of the South in respect to legal bonds for negro laborers and servants, and that his consent to new slave States, as well as new free States, was a consent of statesmanship, logically demanded and honorably conceded, the Garrison and negro Douglass fanatics, and the Free Soil politicians, were too blind to see and too partisan to understand.

On March 11th Seward replied to both Calhoun and Webster. He insisted upon the admission of California, regardless of slavery, and categorically denied the representations and demands of Calhoun in regard to the situation between the North and the South.

On March 12th Douglas spoke at length, advocating non-intervention with slavery, and on March 14th he continued, advocating the immediate and unconditional admission of California, disconnected from all other questions.

Daniel Webster, on March 13th, pronounced the admission of California, just as she was, the unquestionably proper course.

Senator Cass, on the 13th, said in the first part of an extensive speech that he thought the fugitive slave bill ought to be taken up, adjusted so as to be satisfactory to the majority, and passed. On the next day he further said, in reply to Calhoun, that the action taken by one hundred thousand people on the shore of the Pacific, to safeguard themselves against anarchy, was no ground of complaint, much less of objection to the admission of California. Commenting with some severity on Calhoun's demand for an equilibrium between

the North and the South, he ridiculed it as impractical and nonsensical.

The *Washington Republic*, supposed to speak as the organ of President Taylor, and the administration, reviewed Seward's speech with a tone and terms more than suggesting a declaration of absolute antagonism. Mr. Seward had said in regard to the fugitive slave law that "no government had ever yet succeeded in changing the moral convictions of its subjects by force; that the extradition of fugitives from justice was not admitted by the law of nature and of nations; that compacts for the extradition of slaves the law of nations disavows, and the law of nature, in the hearts and consciences of freemen, repudiates."

The evils of slavery Mr. Seward found in the fact that its influences "are subversive of free institution, conducive of ignorance and consequent vice, inhuman, expensive, and at war with equality and the inalienable rights of life, liberty and the choice of pursuits of happiness." Therefore he "could not consent to the introduction of slavery into any part of the Continent which is now exempt from so great an evil."

The *Republic* pronounced all such appeals to "higher law" as anarchistic, subjecting the law to the caprices of every citizen, and as the worst form of disunion.

The death of John C. Calhoun on March 31, 1850, removed from the political arena the only man who stood intellectually at the level of consummate statesmanship with Henry Clay and Daniel Webster. However, in character and eloquence other members of Congress, at the middle of the century, challenged recognition as political leaders, Calhoun, Clay and Webster alone brought intellectual power of the highest order to the great tasks of the chambers of legislation.

In New Mexico the people met in convention May 15th and May 25th, and a constitution was adopted, one of the provisions of which was exclusion of slavery. It was a month later that news of this action was received in St. Louis, and after two days published in Albany. The convention in New Mexico had been held under a proclamation of Colonel John Monroe, Civil and Military Governor. The action thus taken caused great indignation among the Southern members of

both houses at Washington, but was not unwelcome to the administration.

On June 27th Daniel Webster spoke at length in the Senate urging the immediate admission of California, and opposing the proposal of Soule, of Louisiana, to extend the Missouri Compromise to the Pacific and to organize the territory of South California. This proposal was defeated on the 28th by a vote of 36 to 19.

On July 10th, at 12 o'clock, Millard Fillmore was inaugurated President, General Taylor having died the evening before. The Clay and Webster Whigs were by this event brought into power. On July 20th President Fillmore announced to the Senate his Cabinet: Daniel Webster, State Department; Thomas Corwin, Treasury; James A. Pearce, Interior; Edward Bates, War; William A. Graham, Navy; John J. Crittenden, Attorney-General; N. K. Hall, of New York, Postmaster-General—the latter a law partner of the President.

On July 22d Henry Clay made another of his marvelously eloquent speeches in support of the compromise measures reported by him from the Committee of Thirteen. But with the last day of July, after two or three days of varying action, it was voted, by 34 to 24, in the Senate, to strike out from the scheme all the sections excepting that relating to Utah. The question of the boundary of Texas threatened to stand in the way of any action in regard to California, and, on August 6th, President Fillmore sent in a special message urging the settlement of that question by reasonable concessions to Texas. A bill passed in the Senate August 9th defining the proper boundary and tendering to Texas an indemnity of ten millions for the surrender of her claim to disputed territory.

On August 13th a California bill passed the Senate by 34 yeas to 18 nays. It was the bill introduced in March by Senator Douglas, with an amendment in the third section. On August 14th a bill, organizing the territory of New Mexico, also passed the Senate, by a vote of 27 to 10. On the same day Senator Mason presented a protest of himself and eight other southern members against the admission of California, and most solemnly urged to have it entered on the journal of the Senate. After considerable discussion it was laid on the table by a vote of 22 to 10.

On August 23d a Fugitive Slave Bill passed the Senate by a vote of 27 to 12, and on August 28th the House voted by 168 to 34 not to refuse consideration of the Texas boundary bill of the Senate. This, however, was reconsidered, and a bill passed September 6th with a New Mexico territorial bill attached, by a vote of 107 to 97, and the next day the House passed the California admission bill by a vote of 150 to 57, and the Utah territorial bill by 97 to 85. The Wilmot Proviso was excluded from both of the territorial bills, and it was believed that "the irritating and absorbing question of slavery, which had so long threatened the tranquillity and integrity of the Union, had been put to rest, never again (it was hoped) to be revived with its train of disturbing and dangerous influences." On September 10th Mr. Gwin and Colonel Frémont took their seats in the Senate.

On September 16th Clay's bill for abolishing the slave trade in the District of Columbia passed the Senate, and on the next day passed the House. This was the last of the measures proposed by Clay on behalf of the Committee of Thirteen; all had gone through, and on the next day Mr. Clay said in the Senate: "There is peace now throughout our borders, and I hope it will be perpetual and universal."

Here it is very appropriate to say that more effective than all the magnificent speeches, more effective than all the long and wordy resolutions, was the adoption of popular or "squatter" sovereignty, which was, in effect, to allow the people of a territory to determine the question of slavery for themselves—a simple, sensible and Democratic proceeding. The northern Democrats had favored annexation and the Wilmot Proviso. "Squatter sovereignty" enabled them to turn about and oppose the Wilmot Proviso.

The Democratic State Convention met at Syracuse, September 11th, and on September 13th put in nomination Horatio Seymour for Governor, Sanford E. Church for Lieutenant-Governor, John C. Mather for Canal Commissioner, and William P. Angel for State Prison Inspector.

The Whig State Convention met at Syracuse on September 26th and came to open rupture of the most serious character. A Hunt and Cornell ticket was put in nomination by one section, while the other seceded and issued a call for a convention to be held October 17th, at

Utica. The platform adopted by the majority at Syracuse was of a sectional character, inconsistent with support of the administration. The seceders, thirty-eight in number, issued an address appealing for the support of all "who desire to maintain their connection with the Whig Party of the United States, and who are opposed to the action of the convention recently held at Syracuse, in condemning the course of President Fillmore and his Cabinet, and in seeking to renew agitation on the subject of slavery."

On September 27th the first case under the new slave law came up in New York, and a negro man was returned to a Mrs. Brown, of Baltimore, from whose service he had escaped two years before. The new situation created by efficient local support of the efforts of owners to recover runaway slaves caused a considerable uprising in the chief cities of the North, both of the colored people, not a few of whom were fugitives from slavery, and of anti-slavery zealots, who counted it a moral concession beyond the requirements of the Constitution for northern States to take any hand in rendition proceedings, or even for the United States to supplement the Constitution by action designed to make it more than a dead letter.

General Cass, at a reception given him in New York, at Tammany Hall, October 1st, said of the recent measures passed by Congress:

"We have now a national platform of American principles on which we can all stand, and we can exist only as a national party. The satisfactory settlement of the slavery question was owing to the people themselves. Your own Senator Dickinson, Mr. Foote, Henry Clay, and Daniel Webster aided in settling it."

The Pennsylvania and Ohio elections of October 9th were comprehensive Democratic victories, as that of Maryland a few days earlier had been. The "National" Whig Convention at Utica, October 17th, did nothing more than to agree to accept the Syracuse Whig ticket, with the understanding that the ticket was national, even if the Syracuse platform was not.

In the State election, November 5, 1850, Washington Hunt was elected Governor, and Sanford E. Church, a Democrat, Lieutenant-Governor. The Whig majority by which Washington Hunt was elected Comptroller in the previous year was cut down about 5,000. The

Democratic gain lacked about 1,000 votes of electing Seymour ; and yet all the Democratic candidates except Seymour were elected. For members of Congress there were 17 Whigs and 17 Democrats. The Assembly stood 82 Whigs to 44 Democrats, and 2 Independent Democrats, and the Senate elected a year earlier was Whig by a majority of two.

On joint ballot the Whigs would have 99 votes and the Democrats 61, and would thus be able to defeat Senator Dickinson for re-election.

CHAPTER XVII.

Slavery Agitation—Bills Passed by Assembly of 1850-1852—Conventions of 1850—Conventions and Elections of 1851—Slave Riot at Syracuse—Death of Henry Clay—The Hungarian Episode—Conventions and Elections of 1852—Election of Governor Seymour—Inauguration of President Pierce—Report on Canals—Conventions of 1853.

ALTHOUGH the adoption of squatter sovereignty put to rest for a time the question of slavery in annexed territory, and although such statesmen as Clay and Webster believed that legislative action at Washington had forever given the slave question its quietus and produced abiding peace, that peace was destined to be but of short duration. The inevitable struggle had to come, and come it did in 1861. The discussion of the grave question of slavery and the rights of the southern States was scarcely allayed by all the work of Congress; not only politicians, but the public press kept the question alive before the public. In the North this was done with apparently the best intentions, the aim being to hold the people to a composed state of mind.

In reviewing a speech by Senator Douglas at Chicago, attacking the nullification declarations of the Chicago Common Council, the Albany *Argus* said of the Fugitive Slave Law of 1850:

"It is a measure that must be sustained as it is, or the compromise is violated. It is the essential measure of the series of peace measures passed by Congress. If that is disturbed, the compromise loses the element which makes it a compromise. The North will have gained everything—the South nothing. The South insists upon its being executed in good faith, as a matter of constitutional right and obligation. That right on the one side, and that obligation on the other, cannot be invalidated or evaded, except at the fearful hazard of disruption, anarchy and civil war."

At the anniversary of the New England Society, Monday evening,

December 23, at the Astor House in New York, Daniel Webster said: "The dayspring from on high has visited us, the time for disunion has gone by, never to return."

December 2, 1850, the first message of President Fillmore, presented to Congress, announced that his administration would stand upon all the compromise bills without exception or abatement in any respect. To a letter, however, of Governor Seabrook of South Carolina, asking for an explanation of the sending to Charleston of additional troops, the President replied that he was not responsible to any State authorities.

A new Free School bill, giving final decisive recognition to the principle of free schools, passed in the New York Assembly, March 28, 1851, by a vote of 72 to 23. The bill did not indeed carry out the free school principle to the full extent of supporting schools entirely by tax on the property of the State. Beyond \$800,000 raised by State tax, further expense was provided for through a rate bill in the several districts. On April 10th the bill passed the Senate.

An Erie Canal Enlargement bill was ordered to a third reading in the Assembly, March 29th; April 1st, instructions to amend, essentially changing the character of the bill, were adopted, and in the form under which the bill came up for passage, April 17th, it authorized a loan of nine million dollars on a pledge of "the remainder of the canal revenues in each fiscal year." In protest against this, as grossly violating the Constitution of the State, twelve Democratic Senators tendered their resignations. The disbanding of the Legislature by adjournment *sine die* which followed, not only left the canal bill hanging, but caused the loss of a great many important bills. In an address issued by the Democratic members of the Legislature, fifteen Senators and forty Assemblymen, the reasons which induced twelve Senators to resign were set forth. The action was taken under a self-protection clause in the Constitution of Democratic origin. The Whigs had a full working majority of seventeen when they abruptly closed the session without action on bills of general importance, and under the proffer of one of the Democratic minority they had also the necessary quorum to pass all the appropriation and other bills requiring the presence of three-fifths of the members.



being made by steamer. At Dunkirk the President gave the toast "The New York and Erie Railroad—the greatest private enterprise of the age."

The special election, September 27, to fill the vacancies in the State Senate, caused by the resignation of twelve Democratic Senators, resulted in the re-election of six of the retiring Senators and the success, against five of the other six, of Canal-bill men. One district was a tie and no Senator elected. Of the five new Senators, three were Canal-bill Democrats and two Whigs.

The Canal bill passed in the Senate by twenty-two votes to eight. An Oswego Canal Enlargement bill was also passed. Chief Justice Bronson, who had lately retired from the bench to practice as a counselor in New York, gave at this time an opinion that the Canal Act, as finally passed, "does not conflict with the fundamental law." A contrary opinion was shortly after given by "one of the most learned and able of the legal profession."

The Democratic State Convention for nomination of State officers met September 10, 1851, at Syracuse, and on the 12th nominated for Judge of the Court of Appeals, Alexander S. Johnson; for Comptroller, John C. Wright; for Secretary of State, Henry S. Randall; for Treasurer, Benjamin Welch, Jr.; for Attorney-General, Levi S. Chatfield; for State Engineer and Surveyor, William J. McAlpine; for Canal Commissioner, Horace Wheaton; for State Prison Inspector, Henry Storms. The positions taken by the convention were harmoniously and unanimously reached, and by no delegate was any extreme proposal made or expression uttered.

A fugitive-slave riot of considerable proportions occurred at Syracuse, September 30th, with the rescue of the slave, and a hot assault upon the owner claiming his return. On the same day at Buffalo a negro boy of ten years of age was remanded upon the demand of his master, and great public excitement occasioned.

On October 8, 1851, the completion of the Hudson River Railroad through from New York to Albany was celebrated. A train of seven cars came up from New York in three hours and twenty-four minutes running time. James Boorman, who had recently resigned the presidency of the company, gave an account at the banquet in Albany of his

experience as pioneer of the great enterprise which had been inaugurated in 1840.

On the next day after the State election of November 4, 1851, the returns had "a decided Whig aspect," but ten days later it seemed reasonable to claim "the election of the entire Democratic State ticket"—but a day cut that down one-half as to certainty and one-quarter as to probabilities. It was not until December 1 that the last official returns showed that two Whigs had got in with six Democrats, Cook for Treasurer and Fitzhugh for Canal Commissioner. The State Senate was a tie, 16 to 16, and the Assembly 63 Democrats to 65 Whigs. The final record of votes cast was for Johnson (D.), Judge of the Court of Appeals, 201,144 to 197,823 for Samuel A. Foot (W.); for Randall (D.), Secretary of State, 199,426 to 158,582 for James C. Forsyth (W.); for Wright (D.), Comptroller, 200,790 to 200,532 for George W. Patterson (W.); for James M. Cook (W.), Treasurer, 200,693 to 200,465 for Welch (D.); for McAlpine (D.), State Engineer and Surveyor, 203,032 to 199,304 for Hezekiah C. Seymour (W.); for Henry Fitzhugh (W.), Canal Commissioner, 201,147 to 200,234 for Wheaton (D.); for Storms (D.), Inspector of State Prisons, 202,801 to 198,578 for Alexander H. Wells (W.); for Chatfield (D.), Attorney-General, 200,205 to 199,973 for Daniel Ullman (W.). For the aggregate of votes the scattering, for Attorney-General, were 2,987.

The celebrated Hungarian patriot and phenomenally eloquent orator, Louis Kossuth, arrived in New York, December 5, 1851, and was the recipient of a magnificent reception, not only in the metropolis and at the capital, but in the chief cities of the State, until December 22d, when he proceeded to Philadelphia, Baltimore and Washington, everywhere meeting a welcome almost unprecedented from the mass of the people.

Daniel Webster, as Secretary of State, in an elaborate and well-considered speech, took very advanced ground against the treatment which Hungary had received, and closed an appeal of great eloquence with the toast: "Hungarian independence: Hungarian control of her own destinies, and Hungary as a distinct nationality among the nations of Europe."

On December 17, 1851, Henry Clay's letter of resignation from the Senate of the United States, addressed to the General Assembly of Kentucky, to take effect on the first Monday in September, 1852, announced that the voice second to none in charm and appealing power, whatever the audience addressed, had been heard in the councils of American statesmen for the last time.

February 9th, 1852, a gold medal, of great value and very artistic in execution, was presented to Clay, in his sick room at Washington, as a token of high appreciation from New York friends. On the face of it was engraved all the great public measures which Clay had effectively promoted, and on the other side a remarkably good likeness of the great orator-statesman, who just then stood to all parties in the North as a conspicuous figure of union interests against disunion.

February 10, 1852, General Cass made a singularly lucid and able speech in the United States Senate, declaring with great emphasis that the people of the United States were not prepared to maintain the rights of Hungary by war; that the only influence we could exert was a moral and not a physical one, and that, although the present occasion was a violation of public law sufficient to justify the armed action of any nation, yet our present duty and policy were to place our views upon record, leaving the future to disclose our proper obligations and our proper line of policy.

On February 20, 1852, a debate took place in the New York Assembly on the abolition of feudal tenures still existing in the form of manorial titles.

The question of contracts under the Canal law of 1851 came up for extended consideration in the Legislature of 1852, and on the 1st of April a bill affirming the validity of such contracts passed the Assembly by a vote of 76 to 24. Of this vote 23 Democrats voted for and the same number against the bill.

In March, 1852, Judge Brown, of the Second District Court, pronounced against the constitutionality of the State Canal law, and, although the Whig Albany *Journal* treated the decision as a matter for ridicule, the full bench of the Supreme Court, all the judges concurring in the opinion, affirmed Judge Brown's decision. The Senate passed the bill April 13, by a vote of 19 to 9.

A Whig caucus at Washington, April 20, 1852, was signalized by an open rupture between the northern and southern Whigs, growing out of old differences on the subject of the compromise measures, which were in fact Democratic measures carried by Democratic votes. A debate the next day in the House brought out very clearly the fact that the Whig national convention was not likely to accept the compromise measures fathered by Henry Clay, as a finality, but would favor the free-soil section of the party and have no principles to avow. Ten southern Whigs of note and influence issued a manifesto justifying their secession from the Whig congressional caucus.

A new bill of apportionment for 1852, making the number of congressional districts for thirty-one States 234, and of presidential electors 296, reduced New York from 36 members of the House in 1848 to 35.

In May, 1852, the Court of Appeals, five judges concurring, pronounced the Canal law unconstitutional.

May 18 the Hungarian orator-patriot was sent from Boston to Albany, after magnificent entertainment in Massachusetts, and was accorded a welcome scarcely less demonstrative by Governor Hunt and the people of Albany. On the 20th, the Third Presbyterian Church was crowded to the doors by sympathizers with democracy in Europe, who paid one dollar to five dollars each, for tickets of admission, to listen to the master-orator of European emancipation, who for more than five months had borne through the country the standard of Hungarian liberty.

The representative of Austria at Washington, M. Hulseman, to whom Daniel Webster, President Fillmore's Secretary of State, had refused audience, requiring communication by letter, had sent a note April 20th announcing his withdrawal, because his government would no longer permit him to "continue official relations with the principal promoter of the Kossuth episode."

The Democratic National Convention of 1852 met at Baltimore June 1, and began balloting for presidential candidates, June 3, with Cass, Buchanan, Marcy, and Douglas the leading ones. There were 116, 93, 27, and 21 votes, respectively, on the first ballot. With Cass 123 on the thirty-third ballot, June 4th, the name which was to win

had not appeared. On the thirty-fifth ballot, the next day, Virginia cast her vote for Franklin Pierce, of New Hampshire. On the forty-eighth ballot the chief candidates stood: Marcy 89, Cass 72, Pierce 55, Douglas 33, Buchanan 28. The very next ballot gave Pierce 283 to Cass 2, Buchanan 2, and Marcy 1.

Franklin Pierce was a popular brigadier-general, appointed by President Polk and brilliantly successful at Cherubusco and other battles before the City of Mexico. His father was a Jackson Democrat, elected Governor of New Hampshire in 1827, defeated by the John Quincy Adams faction for re-election the next year, but again elected in 1829. General Pierce's earlier years had been devoted to public life, but in 1842 he resigned from the United States Senate with the fixed purpose never again to leave his home for public station, or service, unless in time of war, and upon this ground he had declined President Polk's invitation to him to take the office of Attorney-General. The delicate health of an invalid wife was to him "an insurmountable objection to our leaving our quiet home for a public station at Washington."

General Pierce had been from his college days greatly beloved for his genial nature, fine manners and rare character. He entered upon law practice in 1827, was elected to the New Hampshire Legislature in 1829, and was Speaker of the House in 1831 and 1832; was a member of the House of Representatives at Washington, 1833-37, and of the Senate from March 4th, 1837, to his resignation in February, 1842. From 1838 his residence had been at Concord, N. H., and for ten years before his nomination at Baltimore he had stood at the head of his profession in New Hampshire. Soon after declining to be Attorney-General under President Polk, he responded to the call of duty in the war with Mexico, and during nine months of service made a record of efficiency and personal character in the highest degree honorable to himself and to the service. At the time of his election to the United States Senate, he was the youngest man that had ever entered that body from the North, and he, if elected, would be the youngest President up to that time. "Incomparably the most promising candidate the late convention could have placed upon the course; a man of most noble and cordial address; a man who has no superior in detecting character;

a cautious and well-balanced man, who would be a safe President; and, like Daniel Webster, a Union man in spirit as in name," was the testimony of the chief Webster Whig organ of Boston. His career as President added nothing to his fame, except the name.

The Whig National Convention, held at Baltimore, June 16th, 19th, and 21st, reached a nomination on the fifty-third ballot by a vote of 157 for General Scott, 107 for Fillmore, and 19 for Daniel Webster. The latter's vote at no time exceeded 30, although the convention rose at his name with immense applause. President Fillmore's Secretary of the Navy, Hon. William A. Graham, of North Carolina, was nominated for Vice-President. Gen. Scott was not acceptable to the southern members, and even Whig organs frankly declared that, as compared with Daniel Webster especially, he was a candidate of no real weight against General Pierce.

The resolutions adopted by the convention declared that Congress has no power under the Constitution to interfere with slavery where it is a State domestic institution; that the recently adopted compromise measures, including "the act for reclaiming fugitives from service or labor," should be faithfully executed; that efforts to induce Congress to take a contrary course endanger the union of the States; and that all attempts to renew agitation of the slavery question, in whatever form or under whatever color, are regarded as of like dangerous tendency.

On June 5, Kossuth made an address of farewell in Albany, in which he spoke particularly of the part which the youth of Europe had acted during the stormy days of the century.

The failure of the Whig Convention to nominate Daniel Webster was regarded in New York, as well as in Boston and in those States which could be expected generally to cast a Whig vote, as a needless sacrifice of the prospects of the party. In Boston the news of Scott's nomination "fell like a funeral pall upon the spirits" of the Whigs generally, except a few of free-soil proclivities. Even Democrats were disgusted with the treatment accorded to Webster. A New York Whig organ said: "The mass of the Whigs in this city have received the intelligence with sullen indignation. On every side have we heard determination expressed not to support the Baltimore nominee."

Another organ of Webster's said: "The nomination of Scott fell like a shower of ice over the city. The same may be safely said of all New England. The nomination has hung the political sky with a black, ponderous cloud." New York Whigs charge that Scott's nomination was due to control of the party by "Seward, Weed, Greeley, Johnston, and the Syracuse rioters, the men of abolition, anti-rent and all manner of 'isms.'" "Conservative Whigs generally," the writer added, "and in the southern States universally, must consider the party as in effect broken up. Southern men, at least, although defeated, cannot surrender to the treacherous foe whose knife has so long sought their throats. The election will show that the party will no longer have a show of existence."

Speedy publication of letters of General Scott presented him as a representative of intolerant and proscriptive views of citizenship, denying its privileges to persons of foreign birth; of opposition to the exercise of the veto power, and of favor to a variety of exploded and discarded Whig heresies. It added to the confusion of the situation for the Whig Party that the New York *Tribune*, representing Scott as against Webster, repudiated the Whig platform in its pretended acceptance of compromise and of disuse of agitation.

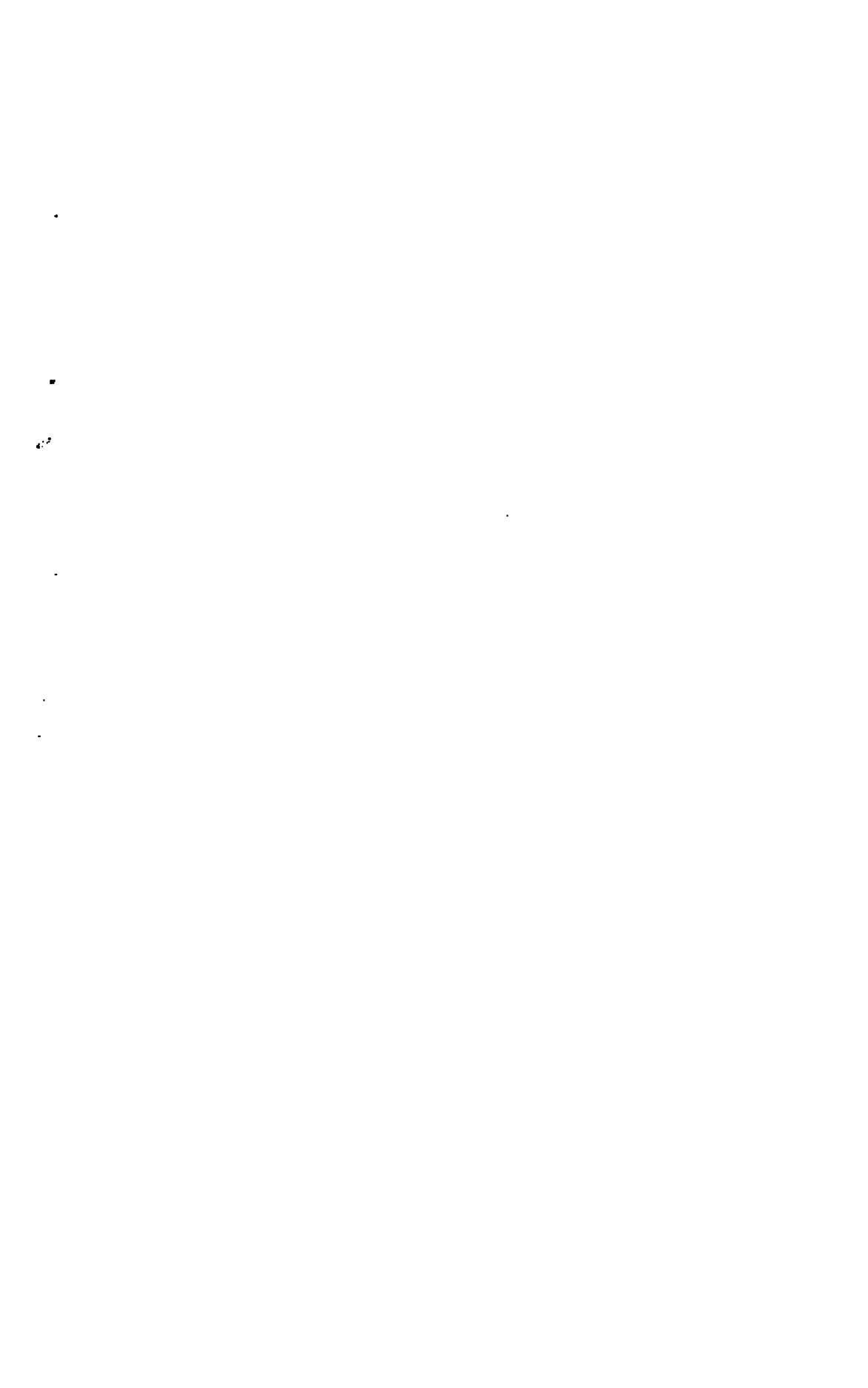
The death, June 29, 1852, of Henry Clay, the statesman above all others of the national, as against the Free Soil Whigs, added to the gloom of Webster's defeat in the Baltimore Convention.

A magnificent reception to Daniel Webster on Boston Common, July 9th, brought out very general expression of opinion that he would be run, or at least ought to be run, as an independent candidate for President; and a day or two later a call for a convention at Philadelphia on August 1st, to carry out this suggestion, was published.

With the August elections in several States, wherever an opportunity for a contest was presented, the Democracy prevailed, and of the thirty-one Governors of States the Whigs had left on their side only five.

The New York Democratic State Convention assembled at Syracuse September 1st, and on the 2d put in nomination, in addition to presidential electors, the following State ticket:

For Governor, Horatio Seymour; for Lieutenant-Governor, San-





JOSEPH SEYMOUR

ford E. Church; for Canal Commissioner, Frederick Follett; and for State Prison Inspector, Darius Clark.

As late as the middle of September, General Webb, in the New York *Courier and Enquirer*, denounced as "an act of national ingratitude and political insanity," the failure to nominate Webster instead of Scott, at Baltimore. Meanwhile the suggestion of a Webster national convention had been taken up in Georgia, North Carolina, Tennessee, Massachusetts and other States.

In the Whig State Convention at Syracuse, September 22, 1852, which nominated Governor Hunt for re-election, the finality of the compromise measures was virtually repudiated.

The October elections in Pennsylvania, Ohio and Indiana placed those great States in the Democratic column; and at the same time North Carolina, Arkansas, Iowa, Missouri, Maine, and Connecticut were heard from to the same effect; Florida also a little later. These results ensured Democratic preponderance in both Houses of Congress.

The news from the national election of November 2, 1852, published the next morning, gave Scott two States and 18 votes, and Pierce fourteen States and 174 votes. This was changed the next morning to 30 for Scott and 205 for Pierce. The final vote was 254 for Pierce and 42 for Scott.

This was the last of the Whigs as a national party. Whigism was a second growth of Federalism and was succeeded by Republicanism, a third sprout from the same root, but upon the grown tree not a few Democratic buds have been engrafted.

The Pierce majority in New York was over 27,000. The Congressional delegation from the State stood at 20 Democrats, 10 Whigs, and 3 Independents. The State Assembly counted 85 Democrats and 42 Whigs. The average Democratic majority on the State ticket was over 23,000. The entire vote—the largest polled up to that time—showed an increase over the popular vote of 1850 of 73,840. The vote for Governor—for Seymour, 264,121; for Hunt, 239,736, and for Tompkins, 19,299—aggregated a total of 523,126, and with some votes thrown away, 524,915.

The aggregate vote for Pierce and King was 262,158; for Scott and

Graham, 234,889, and for Hale and Julian, 25,433, making the entire vote in the State for President 522,480.

With the inauguration of President-elect Pierce, the following members of his Cabinet were chosen and their names sent to the Senate, March 7, 1853: William L. Marcy, of New York, Secretary of State; James Guthrie, of Kentucky, Treasury; Robert McClelland, of Michigan, Secretary of Interior; Jefferson Davis, of Mississippi, Secretary of War; James C. Dobbin, of North Carolina, Secretary of the Navy; James Campbell, of Pennsylvania, Postmaster-General, and Caleb Cushing, of Massachusetts, Attorney-General.

The inaugural message of Governor Seymour made important suggestions in regard to the canals, and these he reiterated and urged upon the Legislature in a special message of April 5th. On the same day the Senate voted favorably, by 20 to 5, on a plan for such a change of the State Constitution as would permit a general carrying to completion of the public works. The message pointed out that by June 1, 1853, there would be a complete line of enlarged locks on the Erie Canal between Albany and Buffalo; that a large number of boats, capable of carrying two hundred and forty tons, and adapted to the enlargement of the locks, had been built during the winter of 1852-1853, ready to be brought into use upon the completion of the locks; these boats adapted to an extreme lock width of fifteen feet seven inches, while the old boats were for the most part fourteen feet six inches wide from outside to outside, would require an increased width of the bottom of the canal; that the old Erie Canal was forty feet wide at the top and twenty-eight feet wide at the bottom; and that unless greater width can be given to the bottom of the old canal, the navigation must be greatly obstructed by the wedging of boats in the narrower part of the line.

The message further stated that the utility of the canal had been greatly restricted during the past season by the want of breadth in the canal at many points, to allow the largest of even the old class of boats to pass each other loaded, and with the larger new boats the trouble would be very much worse. During three or four years, moreover, the uncertainties of the situation had discouraged the building of more boats of the old size, and yet had not encouraged building boats of the

new size; so that boats enough for the business offered had not been provided; canal freights had advanced for the last two years in spite of a reduction of canal tolls; a very large trade had been forced to seek other channels; and from all these causes the State had suffered largely in her revenues. The State Engineer's proposals for raising the banks for the entire length of the Erie Canal, where the enlargement had not been made, would give a depth of five feet of water at an estimated cost of \$533,967, and the elevation of the water would furnish an additional width, permitting boats of the enlarged size, drawing three feet of water, to pass on the straight portions of the canal. At the curves, and at some places where the width has been contracted an increase of the width was suggested. "The number of boats in use upon the canal in 1848 was 3,991, while the present number (April, 1853) is but 3,404. There has also been a falling off from the tonnage. The canals annually pay into the State Treasury the amount of \$550,000, and the judicious expenditure of \$533,000 will nearly double the capacity of the Erie Canal; will admit of the convenient use of the enlarged boat; will cheapen its navigation and protect its commerce from the danger of an entire interruption by the failure of structures needing repair. The additional sum of \$50,000 will in like manner improve the channel of the Oswego Canal; \$75,000 will connect the Black River Canal with the Black River at High Falls, and \$100,000 will extend the Genesee Valley Canal sixteen miles to Cuba. Besides paying more than half a million towards the expenses of the State and the interest of the State debt, the canals contribute annually \$1,300,000 to pay the interest and principal of the canal debt. There cannot be unwillingness to have the sum of \$758,000 raised by some form of taxation for the objects involved in the completion of the Erie Canal enlargement. I also think that the Oswego (and the Cayuga and Seneca canals) should also be increased to the proposed dimensions of seventy feet width and seven feet depth; and I recommend an annual application of at least \$1,000,000 for the purpose of effecting these objects. Under the policy which was pursued before 1835, the State constructed and nearly paid for six hundred and fifty-six miles of canals, connecting the Hudson River with the Erie, Ontario, Cayuga, Seneca and Crooked lakes, and with the valleys of the Chemung and Susquehanna rivers.

This great system of internal improvement cost only \$11,652,652.76, although it was conducted under great disadvantages, as the Erie Canal traversed a great extent of dense forests and pestilential swamps. Since that time we have expended on our canals \$25,240,000, besides \$9,477,000 paid for interest ; yet no public work commenced subsequent to 1835 has been completed."

The question of amending the Constitution of the State in such a manner as to secure the speedy completion of the public works was vigorously pressed by the majority of Democratic legislators, and April 6th the Senate voted by 19 to 6 to propose an amendment "enabling the State to borrow a sufficient amount of money to complete in the most expeditious manner the enlargement of the Erie Canal commensurate with the greatly increased productions of the country." The language quoted is that of the New York Chamber of Commerce urging the action taken by the Senate.

The sum contemplated to be spent was fixed at ten and a half millions. The action of the Assembly left the question undecided, while the Legislature took a recess, April 15th, the second day of an extra session, until May 24th.

Just before the hour of adjournment, April 13th, a select committee, appointed March 17th, sprung upon the Assembly a report and resolutions of impeachment of John C. Mather, Canal Commissioner. The staunchly national character of Commissioner Mather's Democracy, with the character of the committee, backed by the Speaker of the Assembly, together with malignant Free Soil zealots, sufficiently indicated a conspiracy to injure a good man by charges of a wholly trumped-up character.

Upon the reconvening of the Legislature, May 24th, the action of the Assembly gave small promise of acceptance of the action of the Senate. The result was a conference committee, which reached an agreement June 11th, practically approving the proposals which had passed the Senate ; providing for speedy enlargement and completion, by loans based upon the net earnings of the canals, and without adding to the public burdens. The plan thus agreed upon passed the Assembly, June 14, by a unanimous vote, and passed the Senate the next day with only one negative vote.

On September 13, 1853, the Democratic State Convention met at Syracuse, under circumstances of such confusion from an attempt by Free Soil and coalition contesting delegations to preoccupy the place of meeting and to capture the convention, that it was with great difficulty that the regular Democracy transacted the business of the convention. It put in nomination the following candidates for State offices: James E. Cooley, for Comptroller; George W. Clinton, for Secretary of State; Winslow C. Watson, for State Treasurer; James T. Brady, for Attorney-General; John C. Mather, for Canal Commissioner; John D. Fay, for State Engineer; Miles W. Bennett, for State Prison Inspector; Hiram Denio and Charles H. Ruggles, for Judges of the Court of Appeals; Samuel S. Bowne, for Clerk of the Court of Appeals, and for Justices of the Supreme Court, Third District, Malbone Watson, of Greene; Fourth District, John Willard, of Saratoga. A Free Soil and Anti-Canal body, including a few seceders from the regularly elected delegates, and led by John Van Buren, made nominations in opposition to the regular ticket, except in the case of Judges of the Court of Appeals, in which they endorsed the regular candidates. Governor Seymour, Attorney-General Chatfield, Comptroller Wright, Naval Officer Redfield, Postmaster Fowler and Surveyor John Cochran, of New York, were conspicuously active on the Free Soil side of the divided Democratic house. Other United States officials who contributed their efforts in the same direction were Postmaster Dickey, of Buffalo; Collector Campbell, of Rochester; District-Attorney Garvin, of the Northern District of New York, and Collector Talcott, of Oswego. There were also numerous subordinates ardently bent upon a stampede for control of the convention. Speaker Ludlow, of the State Assembly, was a chief actor with John Van Buren in this attempt to sidetrack the regular Democracy. Meanwhile the Court of Impeachment, in the case of Canal Commissioner Mather, had dismissed as baseless all the charges presented by Speaker Ludlow's select committee.

Among the Adamantine or Regular Democrats, Greene C. Bronson, Collector of New York, was conspicuously able and active. Upon charges of "insubordination," the motive to which was Judge Bronson's indisposition to sufficiently recognize the Free Soil Democrats, Secretary Guthrie removed him with less than ordinary consideration,

and under pressure from ex-Governor Marcy, the head of the Cabinet. The "Democratic Republican General Committee of the City and County of New York," and the Democratic State Committee passed resolutions, and the latter issued an address denouncing Judge Bronson's removal "in consequence," the former committee said, "of his refusal to become the tool of Van Buren, Marcy and Company," and, as the latter committee said, "an act which has no parallel in the history of the American government." Both Secretary Guthrie and Secretary Jefferson Davis wrote letters imputing to Judge Bronson Free Soil opinions and associations in 1848; but to this charge Judge Bronson's reply of indignant denial was as conclusive of the purity of his record as it was calmly resentful of an ignoble assault on his character. The *Richmond (Virginia) Examiner* made Judge Bronson's removal the occasion of complaint on behalf of the South, that the administration of President Pierce was "siding with the part most obnoxious to one-half of the Union"; that the authorities at Washington had "taken sides where there is the least political purity and patriotism," and "with an obnoxious faction against such men as Dickinson," who "had stood by the South in their own tribulation."

The United States District Attorney for New York, Charles O'Connor, addressed a letter to the President, identifying himself with Judge Bronson and his cause and tendering his resignation. O'Connor's resignation was not accepted until June 13th, 1854, when a Marcy man was appointed in his place. And on the part of Admantine or Regular National Democrats the issue was presented: "Shall high-handed interference with the local affairs of the State be suffered to pass without a stern and indignant popular rebuke?" It was charged that "the State administration opened a war upon the 'old line' Democracy while the last presidential campaign was in progress," that "the Auditor, G. W. Newell, a relative and tool of the then disappointed presidential aspirant and Secretary of State in expectancy, immediately prior to the September convention, presented a series of groundless accusations * * * against the two Democratic Canal Commissioners"; that "the national Democratic members of the late Assembly received dishonorable and unjust treatment at the hands of the unscrupulous Free Soil Speaker and his well-drilled band of coalitionists";

that "the crowning act of war upon the national Democrats," "the assassin-like impeachment of Commissioner Mather," was "a proceeding instigated and directed by Secretary Marcy"; and that at Syracuse, upon the meeting of the State Convention, "the direct personal interposition of United States government officials—high and low State government officials—Free Soil and coalition partisans * * * a combined force of ruffians and officials, completely outraged all usage and decency; sought to control results by intimidation and brute force, and finally succeeded in breaking up the convention."

In the election of November 8th the returns showed the success of the entire State Whig ticket, but with indications of great relative superiority of the National Democrats to the Free Soil. In Albany, city and county, the home of Secretary Marcy, Clinton's majority reached 400 and Mather's 546. In the Assembly the National Democrats elected 20 to 30 members, the Free Soil 10, and the Whigs the remainder. The comparative votes of the opposing sections of the Democracy, by majorities, in the counties were 29,800 in thirty-two counties by the National, and 28,568 in twenty-seven counties by the Free Soil.

November 23, 1853, the Democratic State Committee issued an address reciting these facts:

"George W. Clinton, the first of the nominees on the National Democratic ticket, leads the Free Soil and coalition candidate, Isaac Verplanck, more than 3,000 votes, and we have a good average majority over our Free Soil opponents on the entire ticket for State officers.

"To the Senate the National Democrats elect eight, and the Free Soil and coalition but two.

"To the Assembly the National Democrats elected a decided majority over the coalition. In five of the Senate districts where the 'United Democracy,' so-called, presented their nominations, the Democratic candidates were defeated and Whigs elected, by the defection of the Free Soil leaders.

"We can point to an aggregate in the State of 100,000 votes. Free Soilism and the coalition have received, in this contest, their mortal wound."

CHAPTER XVIII.

The Know-Nothings—Passage of the Kansas-Nebraska Bill—Conventions of 1854—Election of Myron Clark as Governor—Free School and Prohibitory Liquor Bills—Forming of Republican Party—State Campaign of 1855—Result—Hard and Soft Democrats—Appeal for Union of the Two Democratic Factions.

THE year 1854 opened with a large Democratic majority in the Thirty-third Congress, and yet with parties disjointed and dislocated in a fashion never before seen. In New York State Daniel S. Dickinson and Greene C. Bronson held up the National Democratic standard against William L. Marcy and Horatio Seymour, who represented coalition and Free Soil. With these able men fighting each other the Democratic Party was in jeopardy every hour, and during that year there came into existence the most formidable opponent which the party has ever had to encounter—the great Republican Party of to-day.

There was chaos in politics in those days. Factions, organizations and parties, whose names and aims would fill a small glossary, crowded the political arena. Although the Whig Party still existed, its dissolution may fairly be dated from 1852. Its life had not been long, and its great men were not many.

During the early fifties the Know-Nothings played a more or less important part. As may be inferred, this was a nickname. When the Whig Party began to fall asunder a secret organization, said to have been called "The Sons of '76," or "The Order of the Star-Spangled Banner," was formed. Those of its members who had not attained to its higher degrees were sedulously kept in ignorance of the aims and even of the name of the organization, and it is said that their invariable answer of "I don't know" to questions regarding their society

gave them the title of "Know-Nothings." At all events, that name persistently stuck to them. All meetings of the order were secret, and it sedulously avoided the subject of slavery. Its principal aims were opposition to Catholics and aliens; its motto was "Americans must rule America." The first national convention of the party met in February, 1856. The day previous a secret convention of the order had adopted resolutions abolishing much of the secrecy previously prevailing; and placed the organization upon a political basis. They then demanded a lengthening of the residence necessary before an alien could be naturalized. At that time they nominated Millard Fillmore, of New York, for President, and Andrew Jackson Donelson for Vice-President. These nominations were endorsed by the Whig Convention the following September. The party was also known as the American Party, but it must not be confounded with the party formed in 1872 by members of the National Christian Association; nor with the third party organized under that name in Philadelphia on September 16th and 17th, 1887.

At the earliest moment after the assembling of the New York Legislature, the constitutional amendment to secure a speedy completion of the canal enlargement plans was taken up, January 4, 1854, and carried in both Houses with but one vote against it in each House.

On January 4, 1854, Senator Douglas reported a bill in the United States Senate to organize Nebraska as a Territory, with provisions to make the fugitive slave law operative, and to leave to the people the question of having or not having slavery. The last provision involved releasing the territory from the operation of the Missouri Compromise.

On January 17th the State Senate passed a bill for submitting to the vote of the people on the third Wednesday of February the question of canal enlargement under an amendment to the Constitution, as voted by the Legislature, and this bill passed the Assembly the next day. The result of the popular vote, February 15th, was a very large majority in favor of the canal amendment. Of the whole number of votes cast there were 185,768 in favor, to 60,493 against. The entire vote cast at the last previous State election was 359,000. The vote favorable to the canal amendment is thus seen to have been 6,267 in excess of half the whole body of voters.

After a protracted sitting the Senate at Washington passed the Nebraska bill by a vote of 37 to 14. The position of the administration, announced in view of the passage of the bill, was regarded by National Democrats as a surrender to Van Buren and Marcy.

On March 24, 1854, a liquor bill "for the suppression of intemperance," to take effect December 1st, passed both Houses of the State Legislature. On March 31st Governor Seymour sent a message to the Senate with his veto of the bill, on the ground of the ineffective character of prohibitory laws, and the harm done by fruitless legislation. As only half the Senate voted to pass the bill, despite the veto, the prohibitory scheme was lost.

An important step in the development of educational plans in the State was the election, by the two Houses in convention, of Victor M. Rice, of Buffalo, Superintendent of Public Instruction, in pursuance of a recent act separating this office from the secretaryship of the State.

The disastrous overthrow of the Democracy in New Hampshire and Connecticut, due to failure to make the fight against the Whigs under the banner of thoroughly national principles, which had been vindicated in New York, was a cloud on the Democratic horizon in the first months of 1854, while on the same ground of shiftless and senseless infidelity to nationalism—as National Democrats viewed the situation—the Pierce and Marcy administration was bringing on "a broken and fallen condition of the recently triumphant Democratic Party." "Bold and shameless treachery to its professions; not less bold and shameless proscription of the only reliable friends of the policy and principles on which it came into power; betrayal of the expectations and hopes of the confiding party which gave it existence," and a "course characterized by duplicity, tergiversation and treachery" were the complaints of the New York Democracy, represented as everywhere repenting their agency in giving the breath of life to "Pierce and Marcy abortions."

On April 11th, 1854, the Democratic State Committee, Augustus Schell, Chairman, issued a call for a State convention to be held on July 12th at Syracuse, to nominate State officers for the ensuing election. It was received by the National Democratic press of the State in a spirit of eager desire for the struggle of "the National Demo-

cratic masses, from one end to the other of this great State," with "an administration which they had aided to place in power" only to be "betrayed and cheated" by it.

On Monday night, May 22d, the bill of Senator Douglas, reported by Senator Richardson, for the organization of Nebraska and Kansas, which was pending in the House, passed, by a vote of 113 to 100, with the Clayton amendment out. With twelve Democrats and 8 Whigs absent or not voting, the total vote against the bill was "46 Democrats and mongrels, 48 Whigs, 5 Abolitionists and 1 Independent." Five Democratic members of Congress from New York, who had voted against the Nebraska bill, issued an address, May 24th, to their constituents, alleging as reasons for their action the features of the bill which involved renewal of agitation through wanton disturbance of the settlement understood to have been made by the Missouri Compromise; a position which the National Democrats questioned, on the ground that what the institutions of a future State should be ought to be left to the decision of the people of that State. A speech by one of the five members, Rufus W. Peckham, member from the (Albany) Fourteenth District, which was made May 18th, was published in the Albany *Argus* of June 3d. He especially pointed out that when the Missouri Compromise line was accepted by the South, the region north of it was considered, as Charles Pinckney said, "a vast tract, uninhabited, or only by savages and wild beasts, in which not a foot of the Indian claim to the soil is extinguished, and in which, according to the ideas prevalent, no land office will be open for a great length of time." In this light the South was seen, Mr. Peckham said, to have secured all the advantages then in sight, and now, finding that the North really had some advantage under the settlement agreed upon, the South wanted to undo the bargain and trample on the rights of the North secured by it. This, Mr. Peckham maintained, could be opposed without in the least interfering with any rights of the South.

The State Democratic Convention, which met at Syracuse, July 12, 1854, put in nomination the following candidates: Greene C. Bronson, for Governor; Elijah Ford, for Lieutenant-Governor; Clark Burnham, for Canal Commissioner, and Abram Vernam, for State Prison Inspector. The convention took high ground in support of "the great

Democratic principle of Congressional non-interference and popular sovereignty." Judge Bronson was made the head of the ticket by acclamation at once unanimous and hearty.

The Pierce administration, elected and inaugurated as Democratic, was at this time denounced as a failure, and Franklin Pierce was proclaimed, by the National Democratic organ in New York, politically dead. "Credit for its few tolerable acts," and "stern condemnation for its appalling array of blunders and treacheries," was the attitude of the regular party press.

The Whig State Convention, at Syracuse, September 20, 1854, put in nomination for Governor Myron H. Clark, identified with the prohibition movement in New York, and for Lieutenant-Governor, Henry J. Raymond, whose paper, the *New York Times*, had strenuously opposed prohibition. Both candidates were "Seward Whigs," and the platform adopted was to all intents and purposes an Abolition platform. Judge Bronson had at this time written a letter taking ground very decidedly for regulation of the liquor business by amendment of the license laws, and as decidedly against any prohibitory law.

On September 30th Hon. Daniel S. Dickinson, in a speech at Delhi, Delaware County, ably stated the National Democratic view of the repeal of the Missouri Compromise and the probable results. That interdict had to give way, Mr. Dickinson said, to the great principle of non-intervention by Congress in State affairs; and the North ought to remember that removal of the interdict permitted it to go south of the compromise line, and that the strong probabilities, if not the all but certainty, were that freedom would go south of the line and that there would be no coming of slavery north of the line. As early as December 14, 1847, Mr. Dickinson had offered resolutions in the United States Senate, proposing as a basis of Congressional action the principle of non-intervention and popular sovereignty. The policy thus proposed was comparatively novel, Congress having up to that time acted on the contrary principle; on the one hand excluding slavery from the Northwest, and on the other expressly permitting it in the Southwest.

On October 4th Judge Bronson addressed to E. C. Delevan, conspicuously connected with the prohibition cause, a letter, which he also gave to the press, in which he declared that the bill attempted to be

passed the preceding winter "went much beyond mere prohibition, and contained highly questionable provisions," such as could never receive his support. Judge Bronson further pointed out how "the temperance cause had been thrown into the vortex of party politics, and had been made an instrument in promoting the madness of the times," through the alliance of its friends with a movement designed to array one section of the Union against another.

The State Temperance Convention, held at Auburn, September 27th, endorsed the Clark and Raymond Whig ticket, and September 28th the State Committee representing the Pierce and Marcy administration induced Governor Seymour to run as a third party candidate, with anti-Maine Lawism as the chief platform plank. The situation inspired a Bronson supporter to say: "Bronson goes in for good liquor, Seymour for poor liquor, and Clark for no liquor at all." A "Rum and Rum only" platform for Seymour was noted as leaving Pierce and Marcy out altogether. In New York City the administration faction nominated Fernando Wood as candidate for Mayor.

Previous to the election of November 7th the Albany *Argus* said of the candidates of the National Democracy:

"So far as the administration of Franklin Pierce is concerned, they are its open and undisguised opponents. Although in this particular they may be alleged to occupy the same ground with some of their party opponents, there is this great distinction to be kept in view, that only by a popular demonstration in favor of Judge Bronson and his associates on the Democratic ticket can a fatal blow be dealt at President Pierce and his perfidious Cabinet. * * * A commanding vote for Judge Bronson would effectually show to the Democracy of the whole Union that New York had forever repudiated this administration. It would be the death knell of the Pierce dynasty.

"The representative of Pierce and Guthrie in this State, Governor Seymour, was announced for renomination as bidding for what are elegantly termed by his supporters 'the rum and foreign votes.' The chief, almost the only, plank in the Seymour platform was opposition to the passage of a prohibitory law. Every vote cast for Horatio Seymour will be claimed as a vote in favor of the most corrupt and iniquitous national administration which ever existed in this country."

Fourteen distinct organizations were marshaled on the political field for the New York State election, ten of which made Myron H. Clark, the "Seward Whig," Maine Law and Free Soil representative, their standard bearer; while Governor Seymour represented the Pierce administration; Judge Bronson the National Democracy strenuously antagonistic to Pierce, Marcy and Guthrie; Daniel Ullmann, the Know-Nothings, whose immense vote in Pennsylvania had been one of the signs of the times; and William Goodell, the squad of zealots known as the Liberty Party. The *Argus* said of Governor Seymour's position in the campaign: "It cannot be forgotten that Horatio Seymour is the agent and medium of the Pierce policy in this State, and that he has advised or dictated the proscriptions and insults inflicted upon the National Democracy by this perfidious Cabinet; and that he is running now, in compliance with secret directions from Washington, for the purpose of preventing, if possible, the election of Greene C. Bronson. He was nominated by a convention packed by Custom House and Post Office officials; and it is a fact that he would not have taken the nomination without a distinct command from Washington, a command that included a promise that so distinguished a service as defeating Judge Bronson would not be forgotten."

The aggregate vote for Governor in the election of November 7th was 469,674, with Myron H. Clark elected by a majority over Seymour of 223. The official returns gave Bronson 33,850; Ullman, 122,282; Seymour, 156,495, and Clark 156,804.

It will be seen from these figures that the man elected Governor of the State received just about one-third of the votes cast at the election. The result was explained as due to the intense desire on the part of Democrats to defeat Seymour, the pet of the administration, and on the part of the Whigs to elect him, as the champion of the liquor interest, and to defeat their own Maine Law candidate. Party differences and preferences were entirely obliterated and swallowed up.

The National Democratic strength, in the vote for members of Congress and of the State Assembly met the party expectations. The Maine Law members of the Assembly numbered 82; the Anti-Maine Law, 22, and the unknown or doubtfuls, 23. Judge Bronson's Albany organ said of the result:

"The vote for Judge Bronson was the only clean party vote thrown in the State. That it was small compared with that cast for Clark and Seymour is a striking illustration of the extent to which the liquor question divided parties, and obliterated, for a time, the old lines of demarcation. The moment that Governor Seymour stepped into the arena in opposition to Clark on the liquor question all legitimate party questions became merged in the issue thus distinctly made. All parties and factions were split up by it. There never was such an election in this State, and probably never will be again."

It may be noted as one of the political surprises of the moment that the Massachusetts House of Representatives, newly elected, counted but one Whig, one Democrat and one Republican, to a Know-Nothing legion numbering 362. The Know-Nothing apparition on the political field, coming out to public view from the council chambers of a secret order, was a startling surprise in many directions and a singular betrayal of sound Democratic principles.

The "Republican" Party, as originated by Thomas Jefferson and his associates of the strict constructionists and States' Rights school, did not employ the terms Democrat and Democratic. Its opponents used these terms as terms of reproach, and the response of the party was that of admitting the imputation and employing the designation Democratic-Republicans, to denote a republic of all the people.

The Nebraska Territory, in 1854, embracing 335,822 square miles, an area large enough to cut up into seven States as large as New York, with an eighth as large as Connecticut, was the largest territorial area under the Union. Utah came next; then Texas; then New Mexico; then Oregon, Minnesota, California, Washington and Kansas territories, in the order named, and the last equal in area to twice Ohio with Indiana.

A Massachusetts scheme at this time was an "Emigration Aid Society," a chief purpose of which was promotion of settlement in Kansas and Nebraska territories of persons hostile to the extension of slavery. A London scare, or it may have been sneer, commented on this as "A Project for Emptying Europe." Another scheme broached in certain quarters at this time was the annexation of the Sandwich Islands, to form a State of the Union from the start, and upon this there was

something of a scare on the score of mixing races to the advantage of the negro type of culture.

At this time Judge Dean, of the New York Supreme Court, gave an opinion of strong protest against very gross abuse of the naturalization privilege, allowing aliens to be made citizens in disregard of the law and by the action of clerks without the knowledge of the courts which they represented.

The new Mayor of the city of New York, Fernando Wood, addressed to President Pierce, January 2d, 1855, a letter urgently asking the interference of the government for the prevention of admission into the United States of pauper and criminal emigrants from Europe. The re-election to the United States Senate, February 6th, of William H. Seward, whose position in the public eye had been largely made by the unwearied devotion of Thurlow Weed in the *Albany Journal*, and the ardor of Horace Greeley in the *New York Tribune*, made secure in the Senate at Washington, energetic, if not effectual anti-slavery, Free Soil agitation, and zealous prosecution of political equality for negroes.

The Boston fanaticism of extreme type was illustrated at this time in the refusal of the overseers of Harvard College to make Edward Loring Professor of Law, because he had acted as United States Commissioner in the rendition of the fugitive slave, Burns. It was not charged that in even the smallest particular he had wrested the law to the prejudice of Burns, but simply that he executed it. The death, February 19th, 1855, of William Lusk Crandal, brought to a premature end the career of an ardently humanitarian educator, whose services in aid of the successful establishment of the free school system of the State were at once conspicuous and effective. A law passed in 1849 had made a new departure in the direction of free schools, but under conditions anything but satisfactory, and there was danger that resubmission of the matter to the people would result unfavorably to the free school system. Of this crisis, and of the services of Mr. Crandal, the *Albany Argus* said: "The law of 1849 could not have been worse framed to render the idea of free schools odious. Taxation in its most offensive form was involved in its features; and dishonorable men in many sections of the State employed their utmost skill to prevent the

raising of school moneys in the different towns and counties, thus defeating the object of the law and embarrassing the educational interests. Mr. Crandal placed his fortune and energies at hazard, when, in 1850, the Legislature passed an act resubmitting to the people the Free School Law, under circumstances, as just stated, which threatened disaster. He edited for the campaign 'The Free School Clarion,' and to his exertions was largely due the triumph of the free school principle at the polls in 1850 (which secured the permanence of the system).

"The next year he was employed by the Legislature to prepare a report upon the public school policy of the State, a task which he recently completed. For some reason it has not been distributed as contemplated; but those who have examined the work impartially have almost unqualifiedly spoken in its praise. It projects new features in our public school policy, many of which, if accepted, would adapt our educational system to the popular necessity to an extent exceeding computation.

"While engaged upon the report he also prepared another work, 'Three Hours School a Day,' which is one of the most earnest, correct and truthful expositions of the errors of our present school customs which ever issued from the press. Gladly would we have wished the author's triumph, could he have lived for its achievement."

A prohibitory liquor bill passed the State Assembly, February 21, 1855, by a vote of 80 to 45. The ayes counted 67 Whigs, 11 Democrats and 2 Know-Nothings. The noes were 14 Whigs, 27 Democrats and 4 Know-Nothings. The bill was reported to the Senate March 3d, as a stringent prohibitory bill, and it soon began to appear that a scheme was in hand, with State administration support, to substitute for it an act to amend the excise laws increasing the penalties for retailing liquors without proper compliance with the law, and by striking out the search and seizure clauses of the Assembly bill. Governor Clark, by a letter to the *Argus*, March 12th, repudiated for himself any intention to emasculate the Assembly bill. Lieutenant-Governor Raymond, who had promised before election to give his support to a stringent prohibitory bill, indicated through editorial utterances of the *New York Times* that he connived at the plans of Senators for

so amending the Assembly bill as to "strike out of it some provisions which will only make the law obnoxious to the common sense of the community, and array against it the sentiment of the conservative and judicious friends of temperance." When, however, the bill was reported to the Senate from the committee of the whole, several amendments which had been adopted were of no great importance. When the bill came to a final vote in the Senate, April 3d, the debate was protracted far into the night, and the bill passed by a vote of 21 to 11, after amendments of minor significance had been adopted. The Assembly concurred in these amendments, April 6th, and upon the signing of the bill by the Governor a Maine Law for the State after July 4th became a fixed fact until such time as the people could get back at the authors of an enactment certain to prove both ineffective and unpopular. As the law finally passed, the provisions against retail liquor selling were to become operative on the first Monday of May, and the new penalties to attach, and the search and seizure clause come into force after the Fourth of July. Edward C. Delevan's State Temperance Society came out with an elaborate address deploring as exceedingly serious the changes made by the Senate, but congratulating temperance zealots that "the great principles of search, seizure and destruction" had escaped the danger which had threatened them in the Senate. The temperate judgment of the Democratic press was to the effect that the zealots of prohibition had combined with the demagogues of politics to bring comprehensive disaster upon the cause of temperance. Eminent legal authorities promptly pronounced the search, seizure and destruction principle a violation of fundamental law. Ex-Chief Justice Beardsley of the Supreme Court a little later pronounced a similar opinion. Judge Beardsley also pronounced that imported liquors were not touched by the act, and that the Legislature had no power to prevent the sale of liquors by importers *in the original packages*. The Massachusetts Legislature, by a vote of 27 to 11 in the Senate, on a resolution which had passed the House, finally determined to remove Judge Loring from the bench, on account of his action as commissioner in the Burns negro case, and to permit him to resign the office of commissioner. The perpetration of this anarchistic outrage was arrested by the veto of Governor Gardner.

The Albany *Argus* of May 4, 1855, in a vigorous and fearless article, pronounced the action of the Missouri pro-slavery partisans, in going over the line into Kansas to control the election there, a palpable violation of the principle of the Nebraska bill.

A Know-Nothing National Convention, reported to have met in secret in Philadelphia June 5, 1855, elected, June 8th, E. B. Bartlett, of Kentucky, for president of the order and C. D. Freeman, of Pennsylvania, for vice-president. A pro-slavery platform adopted June 13th caused a grand disruption, and the assembling of a separate convention June 14th, of the northern and western delegates, under the lead of Henry Wilson, of Massachusetts.

A letter of Hon. Howell Cobb, of Georgia, asking for the South that Kansas shall be allowed to frame her own Constitution, and that her citizens shall be permitted to determine for themselves whether they will tolerate slavery, and to come into the Union with or without that institution, drew from the Albany *Argus*, accepting this as just, the following complaint :

"What we complain of on the part of the South just now is, that Kansas is not allowed to determine this question for herself, but that her rights of sovereignty have been violated."

The difference in the case manifestly was, that actual Kansas, made up to any extent by actual settlers whose coming had an anti-slavery motive, was so much an offense to pro-slavery partisans as to lead them to lawless casting of fraudulent votes in order to defeat a bona fide lawful voting of anti-slavery settlers. It counted one against the South in the impending conflict of two types of culture. In reply to the charge made by the Albany *Journal* that the *Argus* was willing to see slavery extended into Kansas and Nebraska, the *Argus*, July 4th, branded this charge as "recklessly made," and further said :

"On the contrary, all our opinions and sympathies lead us anxiously to desire to see both of these territories grow up into vigorous free States, and to hope for such a result, in spite of the outrages of Missouri borderers, and the not less wicked and mischievous agitations of Northern political, abolition demagogues. We entertain about equal respect for each of these two classes of adventurers. We detest the aims of both, and shall not cease to denounce the attempts of either to

smother the voice of the actual settlers of Kansas, or to precipitate her admission as a State, until the deliberate, unawed, sober thought of her citizens, who intend to live permanently within her borders, has definitely shaped her Constitution in respect to slavery. This is solid ground of principle, upon which Democrats certainly can stand, however little it may meet the views of speculators in politics, or in human chattels, either at the North or at the South. The sovereignty of the citizens of Kansas over this question of slavery within her limits must be defended and preserved, from whatever quarter of the Union assailed."

The Democratic State Committee, Augustus Schell, Chairman, issued, June 6, 1855, a call for a National Democratic Convention, to be held September 5th at Syracuse, to nominate a State ticket. The failure of this call to make an appeal for Democratic harmony, in view of the impending issues of a presidential campaign, and to congratulate the party upon the Democratic defeat of Know-Nothingism in Virginia, occasioned anxious inquiry, in leading organs of staunch Democracy in the State, as to the truth of a rumor that some members of the committee, in disregard of the antagonism of sound Democracy to Know-Nothing aims and principles, were disposed to come to terms with this political heresy, the rampant onset of which over the field of politics had thrown party lines into great confusion.

The separate faction of the Democracy disposed to worship strange gods, issued, July 3d, a call for a Democratic convention at Syracuse, August 29th, to nominate a State ticket; and equally with the call of the regular Democratic committee, it made no allusion to principles and aims, and contained no reference to events in the political world. Commenting on this call, the *Argus* said:

"The Democrats of this State constitute a large majority of its citizens. An immensely important election is to occur this fall—important both in its bearings upon the good government of the State and its several cities and counties, and in the value of the offices to be disposed of. It is quite time that the Democrats of New York attended to the duty of self-preservation. In their present condition they are without respect at home, without influence upon the administration of the government at Washington, and without weight in the councils of the Democratic Party of the nation. The way to make themselves

felt abroad is first to make themselves powerful at home. Considerations of patriotism, honor and interest will alike prompt Democrats to contrive some motive of united action, which will give the administration of public affairs into their hands instead of surrendering it to their opponents."

And especially the *Argus* said: "National Democrats cannot make any terms with Know-Nothingism during the coming campaign, open or tacit, without separating themselves from the Democracy of the Union."

The Republican Party had its inception in 1854. It is said to have been suggested at a meeting of a number of members of Congress, and the name was first formally adopted at a convention held in Michigan in July of that year. The party took from the Democrat-Republican Party the latter part of its name, and this has not been the only valuable idea which it has been shrewd enough to appropriate from the Democrats during its fifty years of existence. The name was adopted not only because it was a good name, but because under that caption many of the warring factions and disintegrating parties of the day could join together. The Republican Party, from the outset, was a consistent advocate of broad construction, and to that, in 1860, it added the principle of high protection. The old Whigs, the Free Soilers, many Know-Nothings and some Democrats were the elements from which the party was originally made up; the Abolitionists were a species of allies fighting outside the breastworks. The Republican Party held its first national convention in 1856.

In the State a "Republican State Committee," formed to promote the creation of a new party held a meeting in Albany July 4, 1855, and was reported to have issued a call for a State convention to be held at Syracuse, August 22d, for the nomination of a State ticket. By concert of action with the Whig State Committee the call was made later to contemplate a meeting September 26th, at the same time as a meeting of the Whig State Convention. The New York *Tribune* announced that the Whig Party, at the contemplated convention, would "formally renounce its organization in order to co-operate" in organizing a new party, understood to have had its conception from a convention at Auburn, in September, 1854, and to represent the Whig-Abolition-Maine-

Law coalition which secured the election of Governor Clark. The ulterior purpose of the schemers was understood to be that of putting Mr. Seward forward in 1856 as a presidential candidate. Ex-Governor Hunt came out August 8th in a published letter strongly protesting against the scheme.

An opinion declaring the prohibitory law of the State unconstitutional was given by Judge Bronson, June 26th, and a month later the Attorney-General of the State, Ogden Hoffman, gave his opinion to the same effect, in response to the demand of Governor Clark.

On August 1st the committee which had issued a call for a convention August 29th, at Syracuse, issued a second call for the sending of two delegates from each Assembly District, with a view to full representation and union of all Democrats opposed to Know-Nothingism and to Maine Law Prohibition.

On August 11th the Schell "National" Democratic Committee announced a change in the date of its convention from September 5th to August 23d. The action of this convention proved most disappointing to those who counted upon seeing Democratic harmony in the State thoroughly restored. Not only were proposals looking to reconciliation of the two factions of the party met with refusal of consideration, and all action tending to union on a common ticket declined, but delegates to the national convention of 1856 were appointed, earlier than was necessary, and pledged to Daniel S. Dickinson as the New York candidate for the Presidency. Daniel E. Sickles offered a resolution looking to united action of all New York Democrats, and supported it by a speech of signal ability and eloquence, but without effect.

On August 22d, 1855, Senator Lewis Cass published a letter of vigorous protest against Democrats having any dealings whatever with the Know-Nothing organization. "Its secrecy," he said, "its oath-bound obligations, its control of the ballot box, its system of proscription, striking both at political rights and religious duties, and its inevitable tendency to array one portion of the community against another, and to carry deadly feuds into every corner of the land—these characteristics mark it as the most dangerous scheme which has ever been introduced into our country to regulate its public action or its social condition."

The Philadelphia Convention of the Know-Nothing Order had pronounced, by one of its factions, that "Congress ought not to legislate upon the subject of slavery within the territory of the United States," and this Senator Cass agreed with, but the convention had avoided passing upon the existence of the power of Congress to thus legislate, and had thus left the real peril untouched. "The negation of all power of interference by Congress in the internal government of the Territories," said Senator Cass, "is the true constitutional doctrine, and the only safe and practicable one. * * * As early as 1774 the Continental Congress declared that the English colonists were 'entitled to a free and exclusive power of legislation in their several provincial Legislatures, where the right of representation can alone be preserved in all cases of taxation and internal polity.' * * * Judge McLean, of the Supreme Court of the United States, in some considerations published by him on the subject, * * * brings the Constitution of the United States to the support of the good old doctrine, that right to establish colonies or territories does not carry with it the just power to interfere with and regulate the domestic concerns of the people who inhabit them. 'Congress may organize a government which shall protect the lands purchased, and provide for the administration of justice among the settlers, but it does by no means follow that they may establish slavery.' Slavery, Judge McLean pronounces one of the 'domestic concerns of the people.' He says: 'It is a domestic relation, over which the Federal government can exercise no control.' * * * The Democratic Party is the American Party; it has neither sectional prejudices nor sectional preferences; and I believe the fate of the republic is now in its hands; and so believing, I earnestly hope that its action will be firm, prompt and united."

In contrast with this appeal for national union, the aims of the new "Republican" movement were severely arraigned by the Democratic press of the State as reckless and unprincipled in their subservience to the ambition of William H. Seward.

The Democratic Convention at Syracuse, August 29th, representing aims and action to a considerable extent separate from the aims and actions of the hitherto regular and "National" Democracy, nominated a State ticket, three of the names on which were the same as those on

the "National" ticket. The matter of the choice of delegates to the National Convention was left to be acted upon by a special State Convention to be called for the purpose.

On September 24th a Know-Nothing State Convention met at Auburn, and on the 26th the Whig and Republican conventions met at Syracuse. Know-Nothing nominations were made September 25th, and two days later the Whig and Republican bodies effected a fusion, and put in nomination a ticket, under the name "Republican." The two classes of names on this ticket—Whigs and ultra-Radicals—gave it, to Democrats, the appearance of a grotesque monster. A Seward Know-Nothing Convention, which had met September 25th and adjourned over to the 27th, adopted on that day the "Republican" nominations. On the evening of the 28th ex-Governor Seymour made a speech at Tammany Hall, in New York, most eloquently and powerfully denouncing the Maine Law and Know-Nothing issues, and it was especially important for what the Albany *Argus* pronounced "its masterly exposition of Democratic principles."

On October 3d National Democrats of the city of New York set in motion a movement based on objection to the suppression of primaries by the General Committee, an objection specially urged by Daniel E. Sickles. This movement became known as the Half-Shell, in contrast with the Hards, or regular Nationals. It later adopted a ticket selected by the Liquor Dealers' Convention from the two Democratic tickets (Hard and Soft). With a prospect of a large support in New York, this ticket did not seem likely to meet with much favor elsewhere in the State. Abijah Mann, Preston King and Bradford R. Wood were put in nomination on this ticket as Democrats in the past with well developed inclination to get over the dividing line into the Whig fold—Preston King, especially, the *Argus* said, "at the rate of five dollars per day and all expenses paid."

Four tickets came to the polls November 6th, 1855—the Democratic Soft Shell, Israel T. Hatch for Secretary of State; (Soft Shells a new name for the Hunkers, as Hards was for the Barnburners); Democratic Hard Shell, or National—the Dickinson ticket—Aaron Ward for Secretary of State; the Know-Nothing, Joel T. Headley for Secretary of State; and the "Republican," headed by Preston King.

The Albany city election resulted in a plurality for the Hatch ticket, small over Know-Nothingism, but overwhelming against Fusionists. The contest throughout the State was a sort of free fight, without much regard to past political affinities. The Democrats lost what would have been a brilliant victory by the split due to the indisposition of the National leaders to forego a futile scheme to boom an anti-Marcy candidate for the Presidency, and plan for Democratic union. The advantage thus given to the Know-Nothings enabled them to carry the State. The official returns gave Headley, for Secretary of State, 146,374; King, 135,750; Hatch, 90,057, and Ward, 58,426. The State Senate stood 8 Democrats, 12 Know-Nothings and 12 Republicans; the House, 50 Democrats, 44 Know-Nothings, and 33 Republicans. The "insane internal contest" which had defeated the Democracy was admitted on all hands to be needless. A reunited Democracy, which would have polled 200,000 votes, could with the greatest ease, have been secured had the Hards cared to make some effort in that direction.

Of the twenty-one States which had held State elections, fourteen had gone Democratic, and ten other States, which had not held elections, had been strongly Democratic in the last presidential election.

The developments of public discussion early in December, 1855, showed Gideon J. Tucker, editor of the *Daily News*, in New York, scorning to give even a hearing to Soft-Democratic appeal for union, and indignantly refusing to even appear to "submit once more to the rule of Marcy, Van Buren and Seymour." Gideon J. Tucker said in a personal letter: "I am *opposed* to a 'union' with you Softs, unless upon the terms set forth by me in the *Daily News*, some time since, and which the *Argus*, on your behalf, rejected." The statement of terms made by Gideon J. Tucker in the *Daily News* had been as follows:

"If those of the Soft Shells who profess to be National men will call a State convention, denounce Mr. John Van Buren and all his associates, throw overboard Mr. Cassidy's Wilmot Proviso cornerstone, repudiate Messrs. Hatch, Stetson, Thurston, Tilden and all other unchanged Free Soilers, approve the Democratic platform of 1848, the principle of non-intervention contained in the Compromise Measures of 1850, and of the Nebraska bill as carrying out that same principle, approve the Fugitive Slave Law, and refuse all alliance with persons

who do not hold these views, they will be able to place themselves on the National Democratic ground, and will have come upon the 'Hard' Democratic platform."

This recitation of intolerant demands, initiating, quite apart from the true Democratic proposition, the attitude of a faction, which came to be stigmatized as "Copperhead," was so manifestly meant to humiliate the larger number of genuine Democrats as to make inevitable the suggestion by the *Argus* of a basis of union decently considerate of mutual convictions not inconsistent with fundamental unity. Tucker's demand of the *Argus* to "deal summarily with those tinctured with Free Soil; to read every man out of the party who will not say aye to such a platform (as he outlined above); and to utterly abandon the Soft Shell organization," savored too much of the "fool fury" of intolerant inquisition to answer any purpose but that of a mad rush upon defeat, disgrace and destruction. The *Argus* proposed starting from mutual respect, and coming together on a platform, the only declaration of which on the subject of slavery should be adopted of the principle, fundamental to both factions, of non-intervention.

The total population of the State June 1, 1855, was 3,470,059, and after deducting aliens and colored persons not taxed the number upon which the Legislature apportionment was made in 1856 was 2,797,416.

CHAPTER XIX.

- National Conventions and Elections of 1856—Friction Between the Hards and Softs—Assault on Charles Sumner—Resignation of Preston—State Conventions of 1856—Mormonism—Inaugural Address of President Buchanan, and Cabinet of—The Dred Scott Decision—Death of William L. Marcy; Sketch of—Conventions and Elections of 1857—Suspension of Banks and the Financial Situation—The Lecompton Constitution.

A DEMOCRATIC State Convention at Syracuse, January 10th, 1856, chose delegates to the National Democratic Convention appointed to be held at Cincinnati to nominate Democratic candidates for President and Vice-President. Nicholas Hill, Jr., of Albany, reported an address of powerful appeal to the principles underlying the political issues of the day. After a long delay the Assembly, January 16th, elected Orville Robinson, a candidate on whom the Democrats united, as Speaker. The election of a Speaker by the House of Representatives at Washington was not accomplished until February 2d, 1856, when Banks, of Massachusetts, was chosen under the operation of a plurality rule. The combination which elected Banks was one of Know-Nothings and Republicans. Banks was elected to Congress as a Know-Nothing, and in the last Congress he was the Know-Nothing leader on the floor of the House. The event was recognized by Democrats as signaling the death of the old Whig enemy and the succession to that foe of a Know-Nothing-Black Republican coalition.

February 16th, 1856, announcement was made that Comstock, of the Albany *Argus*, had become sole proprietor of that paper, and that its union with the Albany *Atlas* had been effected through the purchase by William Cassidy of his partner's interest in the *Atlas*, and an alliance between Comstock and Cassidy to set an example of Democratic

union. The change to a morning daily was also made, and the paper issued under the name *Atlas and Argus*. It will be convenient, in these annals of the Democracy, to refer to the paper, in future, as heretofore, under its notable historic name, the *Albany Argus*. Under the consolidation the paper was the foremost in the State in circulation.

February 22d a Know-Nothing Convention at Philadelphia developed into a fight among factions of the order, which resulted in explosive separation of the two leading factions. The smaller of these nominated as national candidates George Law and Samuel Houston. The majority ran up the names of Millard Fillmore and Andrew Jackson Donelson. A "Republican" convention at Philadelphia, June 7th, received a telegram from the minority faction of the Know-Nothings at Philadelphia—"Americans are with you."

March 25th, 1856, a decision of the Court of Appeals by concurrence of five of the eight judges pronounced the Prohibitory Liquor Law null and void because of violation in its provisions of the Constitution. Governor Seymour's veto of a Prohibitory Law Act had declared that procedure authorized by it was not "due process of law required by the Constitution of the State," and it was on this point that the Court of Appeals gave a decision. The grosser characteristics of the law authorizing search, seizure and confiscation of liquors, the perversions of the logic of evidence and the presumptions of law, were not taken up by the Court.

The Albany city election of April 8th, 1856, was carried by the Democrats, against the Know-Nothings, with a locally popular candidate of "Hard" Democratic antecedents.

April 9, 1856, Senator Seward made an elaborate speech on Kansas which was regarded as his first great effort in this Congress. The argumentative aims of the speech were directed against President Pierce's message of January 24th, 1856, and his special Kansas message of February 11th, the representations of which, in contrast with the facts alleged by the orator as historical, were viciously attacked. An able press correspondent said by way of comment on this speech:

"The political features of the discourse were the avowal of the design to bring the 'State of Kansas' into the Union with the Topeka constitution as her charter; the invocation of members of the House

to stop the supplies until the design be accomplished; the declaration that the slavery agitation can never be suppressed while a single human being remains in bondage; the not obscure expression of the conviction that African slavery is doomed the world over, especially in the United States; the utterance of the opinion that the Union is indissoluble, but that if the contrary were true, the cause of dissolution would be the direct or indirect extension of slavery by the Federal government; and the solemn impeachment of the President for his conduct in relation to Kansas, in the very language in which the first Congress of the confederated colonies impeached George III.

"The claims of Kansas, Senator Seward based exclusively upon the right of revolution. He scouted the idea of inquiring whether the conduct of the Free State men was technically legal or not, as they were a community struggling against foreign dominion. Projects of evil omen to the South lurk in every line of Seward's programme. He urges the admission of Kansas as a free State, and its exclusion if a slave State, as a Northern battle-cry in the canvass for the Presidency; a project which would be at war with the spirit of the Constitution and the letter and spirit of the Louisiana Purchase Treaty. Seward has no hope that his bill proposing to admit Kansas into the Union by this Congress will pass either House; nor does he desire it, for he hopes to dam up all legislation until the waters accumulate, and the torrent is potent enough when turned into another course, to sweep away all obstacles, and bear him on the topmost wave to the White House. Looking merely to the preservation of the Union, I do not hesitate to say that he is a most dangerous man, notwithstanding his declaration that the Union is indissoluble.

"Judging from this speech, I should say Seward is not a born orator. His general appearance is that of a student, whose lamp burns during the silent hours of the night. Nothing in his person or aspect gives you the impression of mental or physical power. I should characterize him as a man possessing a passionless intellect, incapable of seizing reason on its throne through the avenues either of imagination or feeling. It would seem to be the fate of the student, engaged in the contemplation of abstract truth, to lose in a great measure the quick sympathies which render him impassioned as a man and impressive as

an orator. Seward may be great in his closet, but his name will never be a rallying cry to the masses."

The *Argus*, in quoting this exceptionally fine comment on the orator, the statesman, and the man, from the St. Louis *Republican*, said: "If this is the language of a paper devoted to 'freedom in Kansas,' what must be the tone of the Southern press?" History cannot fail to see from Seward's appeal to ideas far away from those wrought in the history of the Union, that he bore, at once recklessly and unflinchingly, a banner of unscrupulous menace; that he swung the identical Boston bludgeon of Wendell Phillips, Edmund Quincy and Garrison, who were out to smash things generally in the interest of negroes held to service by State law; and that, whatever humane or patriotic motives he cherished, a dominant aim of his political career was personal ambition, cold-blooded and selfish. The Southern press and people easily discerned in him a man of scheming antagonism, purposing disunion and destruction under a profession of union.

With the developments, political and journalistic, of 1855 and 1856, the Albany *Atlas and Argus* of May 12, 1856, urged the view that at the Syracuse Convention of 1853 the Soft invaders were the regular Democracy of the State, and that the delegates who completed their work at the Globe Hotel historically represented the origin of an irregular Hard section or faction; and further that Judge Bronson, in 1854, was the faction candidate and Seymour the regular candidate, Seymour having polled 156,000 votes to 33,000 for Bronson. This view, however, is not in accordance with the history. It was not when the Bronson supporters polled but 33,000 votes and the Seymour supporters polled 156,000, that the banner of regular Democratic organization passed from the Hards to the Softs; much less was it when a mob of Softs seized the chair of the convention hall at Syracuse, and compelled the hitherto unquestioned regulars to complete their work at a hotel. The transformation took place when the Hard convention arrogantly assumed to construe a Dickinson anti-administration minority as the whole thing, and found itself left in the position of a minor faction in consequence of surprisingly, not to say scandalously, undemocratic methods and measures. This is surely the Democratic view.

This statement of historical facts was questioned by John Cochrane in a speech before the Union Club, in May, 1856, on the ground that of 98 delegates, who had been enrolled as members of the convention and had taken their seats, only 30 remained to participate in the action taken at the hotel, while 68 returned to their seats in the captured hall, and participated in the action taken there. The 30 had the formal organization with them, and the 68 flocked to the other place as individuals, not unwilling, perhaps, to desert the regular organization. Cochrane admits that the 68 took part in the revolutionary action of the convention at the hall. The later course of events brought the Hards back into a position of comparative equality with the Softs, but mainly through influences not representative of the State at large, but of New York City, or not representative of the State at all, but of the party outside of the State. There remained in New York City a vigorous Hard organization, which figured as Dickinson partisans, and the Cincinnati Convention of 1856 insisted, in disregard of the majority report of the credentials committee, that the Hards should have half the New York representation; and Buchanan, the nominee of the convention, stood for the Hard ideas. But all the same, the Softs represented the weight of the State, and the next Baltimore Convention, with its over-weight for Douglas, went their way, and gave them the future of the Democracy of the State.

In May, 1856, a committee from the Pennsylvania State Democratic Convention apprised Hon. James Buchanan, who was on a visit from his post of American Minister at London, that the Democrats of Pennsylvania would make him their presidential candidate. That the election of the candidate of the Democracy was inevitable was already manifest, in view of the division of the opponents of Democracy into Know-Nothings, without a respectably national candidate, and Black Republicans, inclined to make a standard-bearer of Colonel Frémont, a nondescript character who counted for nothing of significance beyond the fact that he was the son-in-law of Thomas H. Benton, of Missouri.

An event of unhappy notoriety at Washington, May 22, 1856, was an "act of rage and folly" on the part of Colonel Preston S. Brooks, a South Carolina member of the House. He gave Senator Charles Sumner, of Massachusetts, in the Senate chamber, and in his seat compara-

tively helpless, a terrible beating with a heavy gutta-percha cane. The violence of the attack was so severe as to leave his victim prostrate and bleeding on the floor, with spinal wounds of the most painful and disabling character. The weapon used for the attack could hardly have been more brutal and ruffianly in its effect, however true may have been the declaration of Colonel Brooks that he "did not wish to hurt him much, but only to whip him." The cane was "an inch thick, but hollow," and perhaps efficient as an instrument of "rage and folly" to a degree not expected by the assailant of Charles Sumner. It was used with swift and vicious energy upon Sumner, confined by his seat. The first and heaviest blow fell upon his head, and the rain of blows continued until the cudgel was broken into fragments, and the large and powerful frame of the Massachusetts Senator was a helpless wreck on the floor of the Senate. Charles Sumner was a man of large and handsome figure, of noble bearing, a gentleman of aristocratic hauteur and dignity, the figure before all others from the North a brutal assault upon whom meant intolerable offence. The assault had been provoked by a very bitter and scarcely defensible attack on one of the Senators from South Carolina.

On the meeting, June 2, 1856, at Cincinnati, of the Democratic National Convention, two delegations numbering seventy each contested the right to seats in the convention to represent the Democracy of New York. The committee on credentials favored, by a majority vote, the claim of the Softs to be the regular Democracy, but reported that the Hards should be given 26 votes in the convention and the Softs the other 44. Senator Bayard, of Delaware, chairman of the committee on credentials, reported in favor of giving half the seats to each section, and this was carried in the convention with immense enthusiasm, the general feeling being that the Hards represented the true line of Democratic development, and that the great preponderance of the Softs in number was due to leanings of a very great number away from regular and genuine Democratic principles. The New York delegation came into the convention on the fourth day, in two sections, and each voted separately its assent to the platform already adopted. Nominations of James Buchanan, Stephen A. Douglas, Franklin Pierce, and Lewis Cass were made. The names of Buchanan and

Douglas were received with great applause, but that of Pierce coldly. The New York Softs voted for Pierce, and the Hards for Buchanan, on the first ballot. Buchanan led at the start with 135 votes to 122 for Pierce, 33 for Douglas and 5 for Cass. By the seventh ballot Pierce had lost heavily. On the fifteenth ballot Pierce's State voted for Douglas, whose total vote rose from 63 to 118, while Pierce's fell from 75 to 3, with Buchanan 50 votes above Douglas. Before the sixteenth and final ballot was taken, a telegraphic despatch from Douglas was read withdrawing his name, and the convention proceeded, with exuberance of speech-making, to a ballot which gave the unanimous vote of the body to James Buchanan, of Pennsylvania. The Softs voted throughout for Pierce, and then for Douglas, while Buchanan was from the first the Hard candidate. The result of the convention both in the seating of delegates and in the choice of a candidate was to bring the Hards up to equality with the more numerous Softs, and while the convention was in the full heat of the final ballot a motion was carried to efface from the record the reports of the majority and the minority of the committee on credentials, and leave New York united in Democratic loyalty to the nomination of Buchanan. John C. Breckenridge was nominated for Vice-President on the second ballot. Of Buchanan even the extreme "Republican" press spoke favorably, and the opposition admission generally was: "He will be a hard candidate to beat." Colonel Thomas H. Benton, of Missouri, had written a few days before (May 27th): "I think Buchanan would be the safest for the peace and harmony of the country, both at home and abroad; but he is proscribed for not having 'the smoke of the Kansas battle on his skirts.'" Democratic organs, especially Southern journals, recognized that Colonel Brooks' "terrible blunder," in the attack on Sumner, was largely responsible for the defeat of Pierce in the convention, and that it had "strengthened Black Republicanism immensely." Sympathizers with Sewardism openly said that the Brooks "outrage" was a most fortunate event. Rev. Dr. Halley, at the Capitol in Albany, said: "While I am ashamed and sorry at this outrage, in one sense I rejoice at it. I rejoice for the salutary influence it will exert upon the North. We require some startling, impressive fact to wake us up, and we have got it. That blow, though dealt by a ruffian's arm, was wisely timed."

The fatuous confusion of the clergymen and philanthropists of the North, glad of evil done if it helped their wishes, and ready to do any evil almost, if by that evil good might come, was the notable criminal blunder of the time, on one side of the conflict, destined to come to the terrible arbitrament of bloody battles.

When the time came to call a convention of the united Democracy of New York, the Soft committee were unable to persuade the Hard committee to join them in making such a call, the Hard idea being that each section should call its own convention, and that the united action should be taken by the two conventions. In view of the Hard refusal to join in calling a convention for July 10th, at Syracuse, the Soft committee issued a call for a convention of all Democrats, July 30th, at Syracuse. The Hard committee issued a call for a convention August 6th, but very soon changed the date to July 30th. The call expressly requested the Soft committee to be ready with a Soft convention to enter into the proposed union.

The "Republican" National Convention met at Philadelphia, June 16, 1856, and on the next day put in nomination for the Presidency John C. Frémont. Dayton, a Know-Nothing, was nominated for Vice-President. The name second to Dayton's on the informal ballot (110 votes to Dayton 259) was that of Lincoln.

July 2, 1856, the bill of Senator Douglas for the admission of Kansas passed the Senate by 33 ayes to 12 nays. Seward's attempt to substitute a bill recognizing the Topeka Constitution got only 11 votes to 36 against it.

July 14th the House voted by 121 yeas to 95 nays for the expulsion of Preston S. Brooks for his assault on Senator Sumner. The vote was not effective because it fell short of the required two-thirds, but in view of it Brooks announced that he had resigned his seat. A vote on Keitt, who was with Brooks when he made his assault, brought from him also the announcement that he had resigned.

Upon the meeting, July 30, 1856, of the separate Soft and Hard conventions, a speedy conjunction of the two bodies was effected, and the consolidated Democracy put in nomination the following State ticket:

Amasa J. Parker for Governor, John Vanderbilt for Lieutenant-

Governor, John L. Russell for Canal Commissioner, Matthew T. Brennan for Prison Inspector, and Horatio G. Warner for Clerk of Court of Appeals. The convention also nominated an electoral State ticket. Addison Gardiner and David L. Seymour were named for electors-at-large.

August 30th, the Army bill, which had been held up through the insistence by the majority on a proviso against use of the army in support of free-soil legislation in Kansas, was passed by the House with this proviso—99 to 79. The Senate almost at once sent it back with the proviso struck out, and with this action the House concurred, and the bill passed, 101 to 98.

Elections in the States of Ohio, Indiana and Pennsylvania, October 14th, gave two of these States to the Democracy, with absolute promise of their support of Buchanan in November, and a prospect of securing the third, Ohio, for the Democratic column.

In the election of November 4, 1856, the whole number of votes cast in the State was 592,706, and of these Frémont received 275,440, Buchanan 195,314, and Fillmore 124,206. Buchanan, in the country at large, carried the election by 174 to 114 for Frémont, and 8 for Fillmore. The popular vote for Buchanan was 1,847,738, for Frémont 1,356,311, and for Fillmore 858,438.

Congress showed, as a press notice said, "an absolute, irresistible Democratic majority in the House of Representatives," an overthrow of Black Republican strength of good omen for every real public interest.

The last annual message of President Pierce was one not only of review but of congratulation, "that the courageous energy of our people is making of these United States the great republic of the world," and that "in our foreign relations we can place ourselves in the calmness and conscious dignity of right by the side of the greatest and wealthiest of the empires of Europe."

England had had her minister sent away and consuls dismissed for misconduct of grave import, and the Austrian minister had gone off in high dudgeon at Daniel Webster's generous appreciation of the appeal of Kossuth for American sympathy, but neither country wanted any other than friendly relations with us. The expenses of the Govern-

ment amounted for the fiscal year 1855-56 to \$72,948,401, including \$3,000,000 in execution of the treaty with Mexico, and \$12,776,390 on account of the public debt. During the same year the receipts from all sources were \$73,918,141.

March 4, 1853, the public debt had been \$69,129,937, and with \$2,750,000 added for the debt of Texas, the total of debt became \$71,879,937. At the date of President Pierce's message, \$45,025,319 had been paid, and the balance could be paid within a year without embarrassment to the public service, but for the fact that the public creditors would not accept payment, the debt being not yet due.

In New York at this time the experiment with Maine Liquor Law prohibition had ended in a slump so pronounced as to cause the New York *Tribune* to give notice that it must be counted out for the future, on the ground of the utterly ineffective and fatuous character of prohibitory legislation.

On the subject of Mormonism, including polygamy, the Albany *Argus* of January 3, 1857, said:

"What is to be done with the new barbarism growing out of the old civilization? If quack politicians make an 'issue' of it, we do not see that humanity will be the wiser. * * Let us have faith in Democracy. The founders of our government declared that it mattered little if error was left free by government, so long as truth was left free to combat it. Let the monstrous delusion of Mormonism exist. It is thus that England deals with polygamy, and the monstrous idolatry of India; thus France, with its Arab colonies; thus all civilized nations with their dependencies. Force will not do. It has been tried and failed. Let us have faith in Democracy; and, above all, let us not wipe the promise of 'religious toleration' from our escutcheon at the first provocation of error—great as the error is, yet home-grown, and the fruit of our social and religious system—the result of neglect of the poor, and of the insufficiency of a religion whose highest virtues are mere decorum and gentility."

The two questions of toleration and of the conditions of which Mormonism was the result were not equally weighed in the above judgment. It was easy to pronounce for toleration, and yet it could not be assumed that Mormonism was a case in point, if it included features

of seriously immoral character, such as massacre of enemies of the faith, and with this a grotesque fiction of marriage as security for admission to eternal life. That it appealed in some cases, or in many, to persons who had felt the defects of existing religious communion was no proof that it was the result of experience of these defects. It was rather the result of crude, ignorant, credulous impulse to make a scheme of religion, partly out of spiritualistic stuff, partly out of imagination freely indulged, and very largely out of the Bible record of Israelite, Hebrew, Jew, story, in which massacre of enemies of the faith and indulgence in polygamy, were authenticated as subjects of divine revelation. It was not, in fact, a case of simple and honest religion, to be tolerated, but a case of dangerously low superstition, of insensate reversion to barbarism in social law, and of criminal subversion of the just order of organized welfare.

At Worcester, Mass., under the lead of "Rev." Thomas Wentworth Higginson, a convention of disunion shriekers was called for January 15, 1857, "to consider the practicability, probability and expediency of a separation between the free and slave States," the reason given for this being "the fundamental difference in the education, habits and laws" of the two peoples.

With the message of Governor John A. King, January 6, 1857, the Albany *Argus* said:

"It is a relief to his opponents as well as to his party, that a statesman of elevated views, and who will preserve the dignity of his office for his own sake, not less than for that of the State with which his name is identified, succeeds to the executive, who, with the sordid and fanatic crew that surrounded him, has just abandoned a seat, which he might lower, but which could not elevate him." Governor Myron H. Clark had particularly outraged public sentiment by a large jail-delivery of convicts, in the last week of his term of service. One of these, who was under a ten-years sentence for rape, and let out after two years' confinement, had already committed a slung-shot murder in New York.

February 3d, 1857, Preston King was elected to the United States Senate by a considerable majority over Daniel E. Sickles, the Democratic candidate.

The inaugural address of President Buchanan, March 4, 1857, said in a brief reference to the slavery question :

"All agree that under the Constitution, slavery in the States is beyond the reach of any human power, except that of the respective States themselves wherein it exists. The agitation of this subject for more than twenty years has been the prolific source of great evils to the master, to the slave and to the whole country. It has alienated and estranged the people of the sister States from each other, and has seriously endangered the very existence of the Union. Nor has the danger yet entirely ceased. The question of domestic slavery is of far greater importance than any political question, because, should the agitation continue, it may eventually endanger the political safety of a large portion of our countrymen where the institution exists. In that event no form of government, however productive of material benefits, can compensate for the loss of peace and domestic security around the family altar.

"It is an evil of the times that men have undertaken to calculate the mere material value of the Union. Considerations of trade, important as they are in themselves, sink into insignificance when we reflect on the terrific evils which would result from disunion, to every portion of the confederacy, to the North not more than to the South, to the East not more than to the West."

Buchanan's Cabinet, confirmed by the Senate, March 6, consisted of Lewis Cass, Secretary of State; Howell Cobb, of Georgia, Treasury; John B. Floyd, of Virginia, War; Isaac Toucey, of Connecticut, Navy; Jacob Thompson, of Mississippi, Interior; Jeremiah S. Black, of Pennsylvania, Attorney-General, and A. V. Brown, of Tennessee, Postmaster-General.

Lewis Cass was born at Exeter, N. H., October 9, 1782, and died at Detroit, June 17, 1866. He was a lawyer. During the War of 1812 he rose to the rank of brigadier-general; from 1813 to 1831 he was Governor of Michigan Territory; under Jackson he was Secretary of War; from 1845 to 1857 he was United States Senator from Michigan. In 1848 he was a candidate for President

Howell Cobb, in his forty-second year, had been in Congress since 1842, and became Speaker of the House in 1849. A. V. Brown, sixty-

two years of age, had been in the House from 1839 to 1845, and was Governor of Tennessee 1845-47. John B. Floyd had been Governor of Virginia, and was the choice of the Virginia Democracy for a seat in the Cabinet. Jacob Thompson, forty-five years of age, had been a member of the House from Mississippi for many years. Isaac Toucey had been Attorney-General under President Polk and United States Senator from Connecticut. Jeremiah S. Black, Chief Justice of Pennsylvania, was a jurist of the highest distinction.

The Supreme Court of the United States passed upon the claim of Dred Scott, a negro, who demanded freedom on the ground that he had resided two years, by the act of his owner, in a State where slavery is prohibited, under the Constitution, and afterwards in a territory from which it was excluded by the Missouri Compromise. The decision denying his claim set forth these points:

1st.—That an African negro is not a citizen, and therefore cannot sue in the courts of the United States.

2d.—That negroes, not citizens under the Constitution, could not derive freedom from any legitimate operation of the ordinance of 1787.

3d.—That the Missouri Compromise was of no legal effect to give freedom and citizenship to negroes in the northern part of the Louisiana cession of territory.

The New York *Tribune* gave the decision a character morally at the level of a Washington bar-room crowd, and declared that it was dictated to the Bench by the stump under threat of the bowie knife, and was "of a piece with the votes of Benton, Dix, etc., for the annexation of Texas." The shriek of the Legislature of Massachusetts upon the annexation of Texas had been that "by the act of annexation the Union is dissolved," and now the shriek of the *Tribune* was "that this Union is not worth preserving, upon the basis of the doctrine of the inaugural (of Buchanan), backed by the decision of the Supreme Court."

The Albany *Argus* at that time pointed out that all the departments of the Federal government, and many of the States, had acted upon the assumption of fact that Africans and their descendants cannot be made "citizens." Free negroes of the northern States had been invariably refused passports as "citizens" of the United States. Chief Justice Daggett, of Connecticut, had declared that African negroes were not

citizens. The California courts had pronounced that the Chinese, like the Indians, cannot be naturalized into citizenship. The African freedman could vote and hold office in his own State, but beyond the limits of that State he was only a free negro. Chief Justice Daggett's decision, in 1834, had expressly declared that in the sense of Art. 4, Sec. 2, 1st sub. of the Constitution of the United States, giving "the citizens of each State all privileges and immunities of citizens in the several States," negroes were not citizens. Justice Daggett quoted Chancellor Kent as saying: "In most of the United States there is a distinction in respect to political privileges between free white persons and free colored persons of African blood, and in no part of the country do the latter, in point of fact, participate equally with the whites in the exercise of civil and political rights. The African race are essentially a degraded caste. Marriages are forbidden between them and whites, in some of the States, and when not absolutely contrary to law, they are revolting and regarded as an offence against public decorum. By an old statute of Massachusetts of 1705, such marriages were declared void, and are so still. A similar statute provision exists in Virginia and North Carolina. Such connections in France and Germany constitute the degraded state of concubinage which is known in the civil law. But they are not legal marriages, because the parties want that equality of state or condition which is essential to the contract."

And, further, Justice Daggett said:

"I go further back still. When the Constitution was adopted, every State (Massachusetts excepted) tolerated slavery. It was not until July 4, 1827, that New York was ranked among the free States. To my mind, it would be a perversion of terms and the well-known rule of construction to say that slaves, free blacks or Indians, were citizens, within the meaning of that term, as used in the Constitution. God forbid that I should add to the degradation of this race of men; but I am bound, by my duty, to say they are not citizens."

This doctrine, William Wirt, when Attorney-General of the United States, in 1821, officially announced, as advice to the Secretary of the Navy, in Monroe's administration. Wirt stated the conclusion of his research in these words:

"Upon the whole, I am of the opinion that free persons of color in

Virginia are not citizens of the United States, within the intent and meaning of the acts regulating foreign and coasting trade, so as to be qualified to command vessels."

The zealots of negro equality in the State of New York were excited by the Dred Scott decision to try to extend negro suffrage to other blacks than the holders of \$250 freehold. The vote of the State in 1846 had been 223,834 against it to 85,306 for it. The free colored population of the State at this time numbered upwards of 50,000. The Legislature of 1857 voted to amend the State Constitution by abolishing the property qualification and dispensing with the three years of residence for persons of color.

In consequence of an oversight in the Executive office these resolutions of the Legislature were not duly published, and no second action on them to send them to the people to be voted upon could be taken.

The sudden and unexpected death of William L. Marcy, July 4, 1857, at Ballston Spa, at 71 years of age, removed from the political stage a character second to none in the nation in intellectual power and in the experience and honors of statesmanship. At the breaking out of the War of 1812 he had turned from the threshold of the legal profession to serve as a soldier. His initiation into political service was as a confidential friend of Van Buren, the support of whom occasioned his removal in 1818 from the office of Recorder of Troy, to which Governor Tompkins had appointed him. He was immediately nominated to the office of Attorney-General; and upon the reorganization of the State under the Constitution of 1821 he was chosen Comptroller. In 1829 he was appointed Justice of the Supreme Court, and from this position he was advanced to that of United States Senator. He resigned from the Senatorship to become Governor of New York, and held this office for three terms, with rare demonstration of administrative ability. He had been an able judge, and an eloquent Senator, but in the State offices which he held, first as Comptroller, and then as Governor, the full measure of his powers and the uncommon qualities of his character, made a record of the highest distinction. This eminence in statesmanship made illustrious his service as Secretary of War under President Polk and as Secretary of State under President Pierce. The conduct of the war with Mexico fell peculiarly under his direction, and

the promptness, vigor and thoroughness with which he discharged his office may be compared most favorably with any known example of war administration. And in the later and still higher administration of diplomacy, as Secretary of State in a critical period, not less imperishable laurels were won. He was a candidate before the Democracy for the Presidency in 1852, with claims far above those of any competitor, and again in 1856 he should have been, on the score of abilities and character, of experience and distinction, the Democratic standard-bearer, but at both of these critical moments a hard and narrow concern for the machine of State rather than the people under national administration, caused hesitation to give great place to so broadminded a statesman as William L. Marcy, the friend of Martin Van Buren, and the foremost example of the Democracy of the Empire State. Where Buchanan was a Democrat of the past, of preservation of the Union, Marcy was a Democrat of the future, of development of the Union along lines of destined progress. A political opponent, speaking editorially in the *Albany Evening Journal*, said: "We know with what enlightened judgment, with what comprehensive grasp, with what surpassing ability, and with what devoted patriotism his public duties were all discharged. We know that during his forty years of official life, in stations of great trust and high responsibility, he was governed by the golden rule of right. We know that at all times and under all circumstances, he was a man of inflexible integrity. Every office he received from the people was returned to them graced by his acceptance of it, and made honorable by the manner its duties had been discharged. He was an efficient Comptroller. He preserved the purity of the Ermine. His Senatorial Robe was without spot or blemish. He was an upright Chief Magistrate. He was an effective Secretary of War. And he was confessedly a wise, fearless and accomplished Secretary of State. The brilliant diplomatic achievements of his last four years most appropriately close and crown a life of stirring incident, high aspiration, great labor and greater usefulness."

William L. Marcy had for thirty years suffered touches of disturbed heart action, and for two years these had been such as to lead him to say of 1860 presidential prospects: "I shall never live to see the election of another President." To friends who would have promoted his

retention in office under Buchanan he was inflexibly peremptory in refusing to permit any thought but of retirement to private life. The New York *Evening Post* said of the great Secretary in death: "If Mr. Marcy had lived longer he would probably have left the country additional evidences of his wonderful controversial ability, at least on the subject which had engaged his attention in his masterly letter in reply to the propositions of the European powers relative to the abolishment of privateering. He will always be remembered as the greatest expounder of the doctrine of exemption of private property from capture on the high seas, whether by privateers or naval vessels, in time of war as well as in peace."

The last, and in the judgment of his friends, the ablest official production of Secretary Marcy, was his reply to the demand of the French Government for indemnity for losses sustained by French residents in Greytown at the time of its bombardment.

"Mr. Marcy's correspondence with General Scott is perhaps his most signal effort in one peculiar style of controversy to which his connection with the political press in early life had trained him. It seemed as if nothing could be added to or taken from a specimen so perfect of its kind; yet a few minutes after he had sent his concluding letter he told a friend that he had forgotten the most important point which he had intended to make—the only point which remained to perfect his argument, but unfortunately the discovery was too late to enable him to supply the omission."

William L. Marcy was a man of books, of study and culture, with the rare combination of the scholar and the statesman. He was in personal qualities and in private life attractive and noble to a very high degree. He was one of the four founders of Rochester University. The president of that institution, after remarking on his gifts and powers as a statesman, went on to say:

"But it was not these qualities, great and splendid as they were, that formed his chief claim to our reverential regard. It was his stainless honor and incorruptible integrity, the moral power with which he withstood outrage and wrong at home, and vindicated the political outcast from the grasp of tyranny abroad; the unshrinking confidence with which he laid down the simple doctrines of Christian morality as the

only legitimate basis of international law—that will give his name and fame to everlasting remembrance.”

Governor Marcy's message to the Legislature in 1836 had broadly and clearly advocated the national Democratic principle of non-intervention in the matter of slavery.

It was related in a letter to the Boston *Transcript* soon after Marcy's death, that when a mere boy his father was led by circumstance to speak of him to Salem Towne, the well-known educator, as a bad boy. A school in which blows were freely administered had not made a success of its discipline, and the father frankly stated that the boy would not give trouble. Towne, then teaching a school in Charlton, the next town to Sturbridge, undertook to receive the boy, even against the protest of the school agent, who took the father's word for it that the boy would make trouble. At the first recitation the boy, when told to close his book, dodged his head, as if expecting a blow. To Towne's inquiry why he recoiled and dodged his head, the boy said he expected to be beaten. On further inquiry Towne learned that that had been his experience, and he thereupon took pains to explain that it was never his way, and that he believed he was a good boy, and was sure he wanted to be a good boy. The effect was two winters' schooling and advice from Towne to have the boy fitted for college. The father asked why he advised this, and Towne said: "I see in him a boy that you will hear from in after life." In after life Marcy said: "Whatever I have attained I owe to him. Towne made me."

A ten thousand dollar silver service, ordered in the spring of 1857 but not completed until after Marcy's death, was presented to his family about September 1st. The gift was from merchants of New York, to express their appreciation of Marcy's "wise and able administration of the foreign affairs of the country."

The State Democratic Convention met at Syracuse September 10th 1857, and put in nomination the following State ticket: Hiram Denison, Judge of the Court of Appeals; Gideon J. Tucker, Secretary of State; Sanford E. Church, Comptroller; Isaac V. Vanderpoel, State Treasurer; John M. Jaycox, Canal Commissioner; Lyman Tremain, Attorney-General; Van Rensselaer Richmond, State Engineer and Surveyor, and William C. Rhodes, Inspector of State Prisons.

A Seward "Republican" convention assembled at Syracuse September 23d, nominated an opposition ticket of varied character, with one Clapp for Secretary of State, whose only distinction was that of his denunciation of his party and his Know-Nothing principles.

On Tuesday, October 13, 1857, nineteen of the banks of New York suspended payment, and on the next day a general suspension of specie payment swept over the country, all the New York banks having set the example.

In the election November 3d, 1857, Albany County gave a Democratic plurality of four thousand, and the Seward Republicans were in a minority of eight thousand. The Democrats elected their State ticket, but came a little short of control of the Legislature. On Secretary of State the vote stood, Tucker, Democrat, 195,482; Clapp, Seward Republican, 177,425; Putnam, Know-Nothing, 66,882.

The Tucker vote was 14 above that of the preceding fall for Buchanan. The Democratic gain of a year over Republicans was 98,457. It was a revolution of national as well as State significance. The State Legislature counted 58 Democrats, 61 Republicans and 9 Know-Nothings in the Assembly; and in the Senate, 14 Democrats, 15 Republicans, 2 Americans and 1 Independent. The count of Congress showed a House composed of 128 Democrats, 92 Republicans, and 14 Know-Nothings or "Americans." Orr, of South Carolina, was elected Speaker. This Congress had been elected in 1856.

December 4th more than one-half of the balances at the bank clearing house was paid in specie, and almost at once the resumption of specie payments was complete. The fact was that there was not general actual suspension; banks in the interior were not in it at all; the notes of the suspended banks remained at par with specie; exchange upon England fell, instead of rising; the bank vaults became glutted with gold; the New York institutions held many times more coin than the Bank of England or of France; there was, in fact, as much specie in the country as its whole paper currency. The general situation was that of ability to remit \$100,000,000 in gold to Europe annually. The Bank of Commerce voted, December 11th, to resume on the 14th, and this led the other banks to follow, but throughout the other parts of

the State resumption had been coming into operation with the renewal of redemptions in New York in November.

Such a rapid recovery from suspension was most indubitable proof of the soundness of the financial condition of the country, due to a substratum of wealth and resources equal to resist almost any shock. The opportune arrival of \$2,225,000 in gold from California was at once an item of weight on the scale, and an indication of expectations of security for the future.

December 9, 1857, Senator Douglas made a speech in reply to the Kansas matter in President Buchanan's message. The President had appeared to be willing to have Kansas become a State of the Union with the Lecompton State Constitution. This instrument, Senator Douglas said, had not been submitted to the people. It was framed by a convention which did not represent the people, and its framers avoided having it submitted to popular vote, because they very well knew that it would be rejected by an overwhelming majority.

Regarding the Lecompton Constitution a word of explanation may be proper. In 1857 the majority of the inhabitants of the Territory of Kansas were of the Free State Party. In former years the intimidation and frauds of armed bands from Missouri, called border ruffians, had invariably resulted in the election of pro-slavery Legislatures. The election of October, 1857, resulted in the choice of a Free State Legislature. The old Legislature, foreseeing this, had met at Lecompton, in September, 1857, and had adopted a pro-slavery Constitution. The Free State Party had never recognized the old Territorial Legislature, and had not voted on the only clause of the Constitution that was submitted for popular approval, and so that clause was of course carried. The new Free State Legislature submitted the whole Constitution to the people, and it was overwhelmingly rejected. President Buchanan favored the Lecompton Constitution, as did also the Senate, but the opposition of the Northern Democrats sufficed to turn the House against it. A conference committee of Congress therefore submitted a proposition for certain changes to the people of Kansas, and it was agreed to regard the rejection thereof as the rejection of the Lecompton Constitution. The vote was largely against it.

CHAPTER XX.

Continuation of Kansas Dispute—Death of Thomas H. Benton—Admission of Minnesota and Oregon to Union—Election of 1858—Addresses For and Against Slavery—Democratic State Convention of 1858—Registering of Voters—John Brown's Raid—State Suffrage of Negroes—Democratic National Conventions of 1860—Secession of Southern Delegates—Seceders' Convention of 1860.

GOVERNOR JOHN A. KING's message to the State Legislature with the opening of the year 1858 was one of unrelieved gloom, due, in Democratic opinion, to "the legacy of error and delusion," which Sewardism in public affairs had left to him. The State Senators hardly waited to get into their seats before issuing their defiance to the very thought of any Kansas or Nebraska scheme not embracing positive prohibition of slavery. The Assembly effected an organization, after three weeks and a day of delay, with Democratic triumph in the election of Thomas G. Alvord as Speaker. "American" votes aided the Democrats to reach this conclusion of an unexampled struggle.

February 2d, 1858, President Buchanan sent to Congress a special message of reply to the objections made by Senator Douglas to the admission of Kansas with the Lecompton Constitution. The concoctors and supporters of the Topeka Constitution were vigorously arraigned by the message for open defiance of the authority of the United States. A passage at arms in the Senate between Hale, of New Hampshire, and Seward, was notable for the refusal of the latter to continue the policy of scrimmage and struggle, when in reality the battle was already over; Kansas would come in as a free State, Nebraska also; and

the count of States, free and slave, would become nineteen to fifteen. The cry of Greeley that if Kansas came in with the Lecompton Constitution slavery was fastened on her beyond her power to shake it off, wholly overlooked the fact that any State in the Union had full power over its own Constitution, to make or to unmake, at its own sovereign will, in all domestic matters.

Seward made a speech on Kansas affairs March 3d, of specially abolition character, rather than anti-Lecompton; and one of the episodes of which was a scandalously demagogic assault upon the United States Supreme Court. John Van Buren appeared again the next day in a speech of great power, in New York, in vindication of the stand on Kansas taken by the administration of Buchanan.

March 19th announcement was made that the Legislature of Kansas elected under the Lecompton Constitution had a majority of Free State members, and would therefore be organized in the Free State interest. The Lecompton Constitution protected slavery only as to the value in money of the slaves. The new Legislature could at once abolish slavery on the condition that the masters be paid for the slaves. Senator Douglas interposed again, March 22d, in a speech of opposition to the admission of Kansas, the only effect of which was to make impossible undivided support of his candidacy for the regular Democratic nomination for the Presidency to succeed Buchanan. The bill against which Douglas spoke passed the Senate on the next day by a majority of eight votes. The bill passed in the House April 1st, by a vote of 120 to 112, with an amendment—the Crittenden amendment not accepted by the Senate—to admit Kansas, but requiring that the Lecompton Constitution be first referred to the vote of the people, and that subsequent proceedings shall depend upon the result of that vote. April 12th, upon a vote of 108 to 108, the Speaker cast his vote in favor of a committee of conference with the Senate on the bill as amended by the House. The Republican scheme had been to refuse this, and thus “kill Lecompton.” The conference committee modified the House bill slightly, and April 30, 1858, the admission of Kansas was voted by 31 to 22 in the Senate and 112 to 103 in the House. On the occasion of a great demonstration of congratulation at Washington, Senator Toombs said that after a contest of ten years the House

and Senate had concurred in "a measure of great permanent peace for ourselves and our children after us."

A correspondent, writing at Washington May 4th, 1858, of the prospects of Douglas in Illinois, said: "One of the strongest men of the Republican Party in Illinois, Abraham Lincoln, will be a candidate against him."

The death of Thomas H. Benton, April 9th, 1858, removed from the political arena one of the notable Democrats of the first half of the century. He had come into Congress with the admission of Missouri, August 10th, 1821, and for thirty years he ranked among the chief participants in political discussion, and the foremost leader in political action. He was one of the chief props and supporters of the administrations of Jackson and Van Buren. Partisan denunciation, combined with desire of other leaders to supplant him, finally brought his official career to a close, but he remained to the last an influential and an interesting figure. He was very decided in his support of Buchanan for the Presidency, and in opposition to the ambition of his son-in-law, Frémont. His speeches were a record of able discussion, and this record he supplemented by his "Thirty Years in the United States Senate." At the time of his death he was engaged on a work of great labor and high value, his "Annals of Congress," which he had brought down to 1850, when the strong hand failed and the heart of patriot passion ceased to beat.

May 11th, 1858, the House passed the bill for the admission of Minnesota, by 157 to 38. The bill had passed the Senate.

Upon the question of admitting Oregon, Senator Seward waived the objection that its Constitution excluded negroes from residence, but Fessenden, of Maine, Wilson, of Massachusetts, and Hale, of New Hampshire, opposed their conscience of negro rights to letting in a State of white men; and Hale animadverted upon the injustice to the Chinese of denying to them the right to hold real estate or mining claims.

On August 4th, 1858, the Democratic State Committee issued a call for a convention to be held at Syracuse September 15th, to nominate candidates for Governor, etc. The convention, upon assembling, made Horatio Seymour its permanent chairman, and the following

nominations were made: Amasa J. Parker, for Governor; John J. Taylor, for Lieutenant-Governor; Sherburne B. Piper, for Canal Commissioner, and Edward L. Donnelly, for State Prison Inspector.

In a speech at Rochester, October 26th, Seward raised the banner of negro emancipation as the single and supreme issue of American politics. "The United States," he said, "must and will, sooner or later, become either entirely a slave-holding nation or entirely a free labor nation." This preposterous prediction against the condition of labor in the two sections of the country, the operation of which, and not any mere philanthropy, had caused disuse of slavery in the North, and an unforeseen increase of need for it in the South, Seward followed with the puerile argument that "Slavery has at length made a stand, not merely to retain its original defensive position, but to extend its sway throughout the whole Union." And he further said: "Let us anticipate the blow (slavery made the rule of the Northern States, as well as the Southern) by invading the States of South Carolina and Georgia, and emancipating the laborer who is toiling on the rice plantations there. The two principles cannot live. Either slavery must triumph and become universal, or emancipation must be carried into every State. If the South lives the North must die. Then, down with the South. *Delenda est Carthago*. And if the compact of the confederation stands in the way, tear it to pieces. There is no faith to be kept with slaveholders. In politics that only is obligatory which is expedient."

The result of the election November 2d, 1858, was the election of Morgan, Republican, for Governor, by 247,679 votes, to 230,412 for Parker, Democrat, and 61,473 for Burrows, "American." The other Republican candidates shared in this success. The only Democrats elected to Congress were Sickles, Cochrane, Barr and Maclay. The vote on the call for a convention was against it by a majority of 15,372.

In Illinois a very small majority in each branch of the Legislature assured the defeat of Abraham Lincoln in the race for the Senate, and the re-election of Douglas.

In striking contrast with the speech of Seward, Senator Hammond, of South Carolina, made a speech October 29th, 1858, in which he

earnestly disavowed the desire of the South for disunion, and, while strenuously defending slavery, declared that all that the slave States ask is to be let alone within their present limits. Senator Hammond said that the equilibrium of free and slave States was gone forever; that the preponderance of the free States in both Houses of Congress had come to stay. He vigorously protested against all thought of revival of the slave trade, and declared that slavery extension was neither practicable nor desirable. He equally deprecated desire to secure Cuba in the interest of the South, and denied that any advantage would result to the Southern States from the acquisition of Mexico and Central America.

Both North and South saw in Seward's speech an invocation to civil war—a proclamation of irreconcilable hostility between the States of the North and the States of the South.

A note of response to Seward's menace was the declaration by Jefferson Davis, of Mississippi, in a speech, that if an abolitionist, pledged to measures of hostility to the South, were to get possession of the executive office he would advise the secession of the Southern States from the Union. Davis said: "Already that arch enemy of the South, William H. Seward, has proclaimed war upon the institution of slavery itself. In his recent speech at Rochester he had declared that there was a direct, irreconcilable antagonism between free and slave labor. This was not true. In the South we are an agricultural people, and our soil and productions were suited alone for slave labor. No such antagonism existed. But with such sentiments avowed by the most powerful leader of the enemies of the South, and their probable success, it behooved the South to take instant and active measures to put themselves into a state of preparation, * * * so as to be ready against any emergency—cast cannon, make guns, prepare powder, shot, shell, ammunition of all kinds, and manufacture all the necessary implements of war. This was but the part of prudent precaution. Its effect would be to strengthen, and not to weaken, the bonds of Union; to cement and not separate the States."

With the organization of the Assembly upon the meeting of the Legislature, January 1st, 1859, the Republican majority elected as Speaker DeWitt C. Littlejohn, an extreme representative of aggressive

and virulent Sewardism. While Speaker of the Assembly in Littlejohn had taken the floor, April 16th, for a speech violently nouncing for a stand, on the part of the State, in disregard of the Constitution of the Union, which should be "a death blow struck at slavery."

The note in national politics at this time, on the Anti-Dem side, was the preparation of William H. Seward for the presidential race in 1860. Greeley had, in his most violent manner, very nearly actual mendacity, denounced Seward for complicity with stealing gross corruption in Congress, but this he now softened to a mild c of being "too favorably inclined to what is called the liberal scheme of public expenditure." In fact, with fine show of a moderation would have altered the whole course of our history if Greeley, S and Boston Pharisaism in politics, had applied it in national a Greeley said: "We are not likely to oppose Governor Seward single point in which he is not in advance of the great majority of statesmen."

There were two respects in which Seward was at this moment man after Greeley's own heart. The first was the foolishness and malignity of his declaration of war upon the slave labor States the second was his strong support of extreme protection. At the political character, destined to figure for immense mischief in the future of the country, was Salmon P. Chase, of Ohio, whose view of "public robbery" by members of Congress, "senatorial stealing," "squandering public money corruptly," were about the same as Greeley's, but for the two reasons given above Greeley decided to raise the Seward flag.

Senator Douglas had been for a short time the hope of successful republicans as Preston King, but with the new year Douglas gave occasion to announce that he would not play politics with them and would adhere to the Democracy for what they might give him.

On February 12th, 1859, a move of importance in the political game was the admission of Oregon by the passage in the House of Representatives of the admission act—114 yeas and 103 nays. Although Oregon came in as a free State, 72 Republicans voted against admission, to 92 Democrats who voted for it. G

called the vote "a humiliating defeat." The trouble to Greeley was the prospect that Oregon would be Democratic in 1860.

On August 3, 1859, the Democratic State Committee issued a call for a State convention to be held at Syracuse, September 14th, to nominate a State ticket, and to determine upon action with reference to the National Convention to be held at Charleston.

Upon the assembling of the convention, September 14, Mayor Wood, of New York, at the head of the Mozart Hall delegation, undertook, a little before the hour of twelve, to take possession of the platform and commence securing an organization. The appearance on the stage of the official representatives of organization was followed by violent proceedings on the part of Wood's party, and in the face of this, adjournment was taken until one o'clock. The Wood contingent retired soon after one, and the convention proceedings were at once entered upon. It was voted not to defer the selection of delegates to Charleston; and for the State ticket the following nominations were made: David R. Floyd-Jones, for Secretary of State; Sanford E. Church, for Comptroller; Lyman Tremain, for Attorney-General; Van R. Richmond, for State Engineer and Surveyor; Isaac Vanderpoel, for State Treasurer; William J. Skinner, for Canal Commissioner; Noble S. Elderkin, for State Prison Inspector; Alexander S. Johnson, for Judge of the Court of Appeals; John L. Lewis, Jr., for Clerk of the Court of Appeals. These were renominations, with one exception. Tucker had declined to stand again for Secretary of State. His defeat was likely, as the convention was controlled by the Softs.

The Wood episode was in the interest of a "Hard" faction, specially friendly to Daniel S. Dickinson, and the turn which things took was remarked on by the New York *Tribune* as "the triumph of the Softs," and "one of the most important victories they had ever achieved over the 'National' Democracy." The outcome was due in large part to the prompt action of Dickinson and his more respectable supporters in disavowing and repressing the brutal violence of the roughs of the Wood party, one of whom knocked down and tumbled from the platform the regular temporary chairman.

A law requiring voters to register came into operation for the first time in October, 1859. Its passage had been unanimously opposed

by Democrats, and the first experience of its operation seemed to be universally unsatisfactory.

October 17th, 1859, brought the startling news of a seizure by a few armed men under Captain John Brown, a notorious Kansas figure, of the United States Arsenal at Harper's Ferry, just across the Potomac in Virginia, from a rendezvous in Maryland known as Kennedy's Farm. Brown confessed to Governor Wise that the scheme he had undertaken to carry out was planned in 1856, and that he had had reason to expect to lead a force of from 3,000 to 5,000, and to be able to establish himself where slaves in large numbers would resort to him. The attempt at servile insurrection and civil war, on the lines of Seward's declaration of an irrepressible conflict to either destroy slavery or extend it over the whole country, was dealt with by the Virginia authorities under laws which brought the heroic old fanatic to the gallows. Brown admitted at once that his failure meant this, and looked for no other result, unless some effort for his rescue could be successfully made. With this situation of Brown condemned to death, the radical press gave notice of civil war to avenge the perfectly legal punishment of a single criminal. The instance which we may, to most purpose, be cited is that of Seward's special organ at Albany, the *Journal*, which said, December 1, 1859: "Should John Brown be hung, the muttered thunder of pent-up sympathy will be augmented an hundredfold, and hatred of slavery will become the predominant emotion in the breasts of millions who have thus far had neither fellowship nor sympathy with those who seek to goad the South into just such exhibitions of weakness and folly as these executions will afford." The *Journal* of December 1st devoted very large space to testimonies of persons who had expressed approval of Brown's conduct, and on the day of Brown's execution, December 2d, the *Journal* promoted a demonstration of canonization of Brown, by resolutions declaring him worthy of "the sympathy and honor of all lovers of liberty and human rights," and by the firing of minute guns at the foot of State Street by the keeper of the arsenal in Albany. The *Journal* put at the head of the editorial quoted above, the caption, "The Beginning of the End."

The election, November 8, 1859, was largely determined by the

votes of "Americans," whose convention made no nominations, but endorsed names selected from each of the two opposing tickets. The composite result gave the Democrats the Secretary of State, State Engineer and Canal Commissioner, and the Republicans all the other State officers.

Governor Morgan, in his message January 3, 1860, to the Legislature, frankly admitted that John Brown's purpose to liberate and arm the slaves was unlawful, and was justly resisted. He added that "Bloodshed thus incited, rests, in the eye of human law, on the heads of those who, in violation of laws, provoked or caused it." And the justice of this view, he said, was not changed by the fact that the violators of law were unselfish and even philanthropic, and honestly risked their lives in behalf of the wronged and oppressed.

A somewhat belated expression of Northern condemnation of the armed fanaticism of John Brown sprang up within two months after his execution, and at Albany a demonstration of this kind was participated in by Henry J. Raymond, Horatio Seymour, Martin Van Buren, Sanford E. Church, John A. Dix, Washington Hunt, and a very large number of the leading representatives of sober political and social action in the State. Raymond expressly recognized, in a very clear and powerful speech, that the South had reached a state of frantic fear and resentment amounting to the madness of revolution, and he unhesitatingly declared that the cause of this upheaval of the South was the proceedings of the Abolitionists reflected in political action by parties of the North. The grossest misrepresentation of Northern sentiment had been made by the anti-slavery extremists, and the alarmed and angry response of the South was no more than was to have been expected. A member of the Assembly had been conspicuous among the Abolition fanatics clamorous for bringing about immediate disunion, and the use of the Assembly chamber was refused to the public meeting of protest on behalf of the Union.

Charles O'Connor came out at this time in a letter, as well as in speeches, declaring that "if the proposition that negro slavery is unjust cannot be refuted, the most vehement and extreme admirers of John Brown's sentiments are right, and our Union cannot endure--ought not to endure." The bad logic of arguing from honest senti-

ments, however just, to unlawful and lawless action, O'Connor disregarded, as Seward had done.

A note of sound opinion in the London *Times* at this date was to the effect that a half-caste republic in the United States would be in every way a disaster, inasmuch as all experience had shown that enforced equality of the Europeans and the Africans not only tended to the elevation of the black, but to the degradation of the white man.

February 1, 1860, the House of Representatives, after a long struggle of the Republicans to make an extreme Republican, John Sherman, Speaker, elected to that office Pennington, a moderate Republican.

The question of admitting negroes to full and free participation in the suffrage was favorably acted on by the State Legislature in 1859, and a bill passed the Assembly early in 1860, by 70 Republican votes, only 5 Republicans voting against it.

February 29th Seward made a speech on the admission of Kansas, in which he was at great pains to look in a direction almost contrary to that of his Rochester speech. He protested against construing Republicanism as sectional, and said that he was no assailant of States. It was wisely arranged, he declared, that the several States were sovereign on the subject of slavery within their own borders. He asserted of John Brown and his associates that they acted upon earnest, though fatally erroneous, convictions. Their act was one of sedition and treason, and criminal to just the extent that it affected the public peace and was destructive of human life. As to danger to the Union, he said that he did not think that anything serious would grow out of the oft-repeated threats to dissolve the Union. The speech was a notice, as distinct as it was futile, that the conflagration which he had set raging through his Rochester speech was needless and mistaken. One point only of positive character Seward insisted on, that the issue of slavery in the Territories should be fought out in Congress, instead of being left, as the Democrats proposed, for decision by the people of the Territories.

April 11, 1860, the House passed, by 134 to 78 votes, a bill for the admission of Kansas under the Wyandotte Constitution, on an equal footing with the original States in all respects whatsoever.

In the Albany city election of April 10th, 1860, the Democracy carried their city ticket by about 1,000 majority, and elected seven of the ten aldermen.

Sumner appeared in the Senate, April 16, in a minor attack on Mason, of Virginia, manifestly intended to be personally offensive. He told how "it was said in antiquity of one of the judges of hell that he punished first and heard afterwards," and Mason, he said, "on this occasion takes a precedent from that court."

The assembling of the Democratic National Convention, at Charleston, South Carolina, April 23, 1860, with Caleb Cushing of Massachusetts, permanent president, introduced a day of great expectations destined to disappointment. The prospects of Douglas were the best of all, until Slidell arrived to throw cold water on the movement, and the tide of Southern objection began to run in strong. The strength of the unexpected objection to Douglas led his friends from the Northwest and elsewhere to proclaim, as early as the evening of April 21st, the alternative of his nomination or the defeat of the party. The sentiment, in fact, of the Douglas supporters was strong for retaliation on the South if the convention rejected Douglas. The contest of the Wood delegates from New York against the Dean Richmond delegates found favor with only six members of the committee on credentials. The proposition to adopt the Cincinnati platform and to affirm loyalty to all Supreme Court decisions was voted down by 17 to 16, against the urgent counsel of Douglas.

A midnight press dispatch of April 26th, from Charleston, said that great sectional excitement was raging; that the Southern cotton States were rampant and threatened to leave the convention in a body, and nominate a Jefferson Davis and Fernando Wood ticket, if the platform failed to repudiate squatter sovereignty. Douglas had telegraphed to his friends to accept the Cincinnati platform and the Dred Scott decision, but not to go one step beyond this. William L. Yancey, of Alabama, was reported as cocked and primed to the full, and the fire-eaters generally in a state of the greatest excitement. Seven States were expected to secede in case of a flare-up—Alabama, Florida, Louisiana, Mississippi, Texas, South Carolina and Georgia.

The discussion on Saturday, the 28th, brought out opposing views

on the main lines of the platform, with frank warning from moderate Northern Democrats that a split in the convention, or a split in the party, if the convention adopted the platform favored by Southern members generally, must inevitably result in the election of a Black Republican President and Congress.

On the rejection, however, of the majority report on platform, which made the concessions demanded by the South, and the adoption by the convention of the minority report, by a vote of 165 to 138, a secession of several Southern States took place. The chief concession demanded by the South and refused by the convention was the assertion of the right to hold slaves in any Territory up to the time of its admission as a State, and the duty of the national government to defend and protect that alleged right. It was a very frank demand for United States promotion of the establishment and development of slavery in the Territories, the concession of which was all that could be asked or accomplished towards preparing Territories to become slave States. The majority report, making this concession, was the combined work of Bayard, of Delaware; Cochrane, of New York, and Bigler, of Pennsylvania. Samuels, of Iowa, in presenting the minority report, which found favor with the convention, warned the Southern members not to persist in demanding an abstraction that would drive one-half of the North into the arms of the Black Republicans. Butler, of Massachusetts, in the name of his own State, and of Illinois, Indiana and Minnesota, presented a second minority report, consisting of the Cincinnati platform pure and simple.

After a speech supporting the majority report, and another favoring the minority proposition, Burroughs, of Arkansas, introduced a scene of the greatest bitterness of feeling and violence of speech, the close of which, after two and a half hours, was an adjournment dark with gloom and uncertainty. Burroughs denounced Douglas as no less a traitor than Seward. The Northern Democrats, he said, were worse than the Black Republicans. He considered the Black Republicans the most open and manly of the two, and he did not care which whipped the other. Douglas he would not support under any circumstances, not even if nominated by the convention. The South had from the first been the support of the Democratic Party, had done all the work of

extending the boundaries of the country, and had found the money to pay the debts of the country. Burroughs dared the Northern men to reject the majority resolutions, and declared that if, by superior numbers, such rejection was accomplished, the South would consider it a breach of the constitutional compact.

The prospect over Sunday, April 29th, was of a bolt of eight Southern States, on the issue of freedom and aid from the national government to build up slavery within the Territories. Upon renewal of the struggle March 30th Alabama, Mississippi, Louisiana, South Carolina (excepting three members), Florida, Texas and Arkansas announced their secession from the convention. The next day, May 1st, Bayard, of Delaware, with one of his colleagues, joined in the secession. Georgia followed, and other delegations had the question under advisement. A seceders' convention opened proceedings April 30th, in the evening, and effected an organization, May 1, with Bayard as president. May 2 it adopted the platform which the original convention had rejected.

The regular convention began May 1st to ballot for a presidential candidate, and the end of the next day was reached without result. On the next day the Douglas Party, under instructions from Washington, adjourned to meet June 18th at Baltimore. The seceders' convention of about forty delegates protested by many voices on the 3d of May that their movement was not one of disunion, and an adjournment was taken to Richmond on the second Monday in June. It was proposed by each of the conventions that the States not represented in them elect representatives.

The men who led the secession movement in the Charleston Convention were understood by the Democratic press of the North to have acted, not in view of any step taken by the convention, but from a purpose, to disorganize the party and destroy the Union, which had been previously formed. The conspicuous leader of the secession proceedings, Yancey, had written a letter as early as June 15th, 1858, in which the purpose had been avowed to organize revolutionary preparations all through the South, and then, "at the proper moment, by one organized, concerted action, precipitate the cotton States into a revolution." The number of these schemers for disruption of the

Democracy and the destruction of the Union was not large, and they had as yet no considerable constituency to support them in their several States. It was thought possible in the North, and to some extent in the South, that pressure upon some of the secessionists, and perhaps express action by their constituencies, would cause them to resume their places in the regular convention when it should come together at Baltimore. The Richmond *Examiner* said at the moment: "Every Southern State will be fully represented at Baltimore. The idea industriously promulgated by the opposition press that there is no National Democracy at this time in the cotton States, in consequence of the much-regretted secession, is absurd. There may be in the cotton States a small number of secessionists, *per se*, who place no faith in the National Democracy; but the great mass of the Southern people are as firmly wedded to the usages, organizations and principles of the Democracy of the Union as the Virginia Democracy are."

At New Orleans a public meeting was called to repudiate and condemn the action of the Louisiana delegates in participating in disunion proceedings at Charleston. The New Orleans *True Delta* said of this meeting: "True to their national reputation, the people of New Orleans will meet on Tuesday evening next (May 8th) in mass assemblage at Lafayette Square, to take counsel together and to send abroad, to every portion of the republic, their utter repudiation and condemnation of the recent secession movement in South Carolina, where a delegation of men, impudently pretending to represent them, lent themselves to a movement prelusive of a dissolution of the Union. No man is impudent or bold enough to defend a proceeding so directly contrary to the past history and present well understood wishes of the loyal and devoted Unionists of Louisiana. A repellent spectacle, truly, is it to see men calling themselves delegates of the Democracy of Louisiana uniting with the proclaimed and vaunted advocates of a dissolution of the Union, and co-operating with them to degrade, defeat and destroy the great, conservative Democratic Party of the nation, at a time, too, when their brethren of the Free States are making matchless efforts for the overthrow of our enemies in the approaching contest for the Presidency. In vain do the Free State Democracy tender to us the hand of fellowship; it is rudely repelled. They re-

mind us of the fearful odds against which they have to contend for the maintenance of Southern rights and the Constitution of their country; they are answered with contumely and reproach. They call upon us to make no more new tests of party fealty, but to accept the reiteration of the Cincinnati platform, which we constructed, and their proclaimed assurance to abide, in all issues involving slavery, by the decisions of the Supreme Federal Judiciary; but, in response they have flung in their faces new platforms which they dare not accept, and principles are put forward for their adoption which their concostors know the South itself cannot be expected to endorse. When, thus harassed, insulted, and reduced to the last extremity, their manhood revolts, certain States which make treason their boast secede from fellowship with them, and Louisiana, to the humiliation, astonishment, and mortification of her Union-loving people, finds herself in company and partnership with Mississippi, Arkansas, Florida, Alabama and South Carolina in their plot to destroy the Union."

The meeting to which the above refers resolved to regard as enemies all who should attempt to produce a separation of the States.

The Wood delegates from New York, who were refused admission into the regular convention at Charleston, sought admission to the seceders' convention, but, upon the protest of South Carolina, were turned back from this body also.

On May 5th, 1860, Alexander H. Stephens wrote an eloquent letter advising in favor of sending delegates to the Baltimore Convention, and against renewing there the demands made by the Charleston seceders. Stephens said the only cause of complaint at the South was the difference between Southern and Northern views of what non-intervention meant. The South understood that not only Congress, but the people of the Territory, must not stand in the way of the settlement in the Territory of slaveholders with their slaves, while the North was determined that the Territory, before it became a State, should have power to keep out slavery.

A National Union Convention at Baltimore, which met May 9th, 1860, with all the States except South Carolina and Oregon represented, was organized, with Washington Hunt, of New York, as chairman. Hunt referred, in his address on taking the chair, to the slavery

question, that had split the Democratic Party, as a miserable abstraction, and expressed confidence that the convention had power to rally around it the patriotism of the country. On the second ballot, May 10th, John Bell, of Tennessee, was made the head of the ticket, and at a later session the same day the name of Edward Everett was added by acclamation without a ballot. As representing the American Party, already deceased, the nomination was of a decidedly effete character.

An ultra-Southern Georgia paper, in view of the conventions to be held, proposed as candidates Alexander H. Stephens, for President, and Daniel S. Dickinson for Vice-President. It advised sending delegates to Baltimore, rather than Richmond, making the best compromise possible there, and trusting to the next four years to get the South into shape for dissolution of the Union. Stephens had written a letter advising attendance of a delegation at Baltimore. Toombs sent word from Washington that the Southern members had agreed to advise this course.

On May 7th Jefferson Davis made a speech in the Senate, in which he contended that the one great source of the difficulties of the time was the theory that our government is a government of one people, instead of a compact between separate sovereignties. Davis further contended that the several States could at any time, when deemed necessary, resume powers which they had only delegated to the general government.

Davis had introduced, February 2, 1860, a series of resolutions declaratory of the obligations of the Constitution under which the States entered and remained in the Union. The declarations in question were these:

That the States had formally accepted the Constitution as independent sovereigns, delegating to the general government a portion of their power for the sake of security; that the intermeddling on the part of any one of them with the domestic institutions of another was not only insulting, but was dangerous to the domestic peace and tending to destroy the Union; that negro slavery was legal, and that neither Congress nor Territorial legislation had the right to interfere with it.

On May 15th and 16th Douglas spoke at great length in opposition to the Territorial resolutions of Jefferson Davis. Davis imme-

diately replied. He concluded by saying that "all the cotton States wanted was a recognition that slaves are property, and as such entitled to protection. He contended at length that there must be a distinct and unequivocal declaration in regard to this."

The Democratic National Convention having disrupted at Charleston, reassembled at Baltimore June 18, 1860. The question of greatest importance before the convention, and that upon which the whole course of events turned, was that of receiving the Charleston seceders, in case they presented themselves and wished to take part again in convention proceedings. On this question the report of the credentials committee was awaited with great anxiety; and as it was seen later to have had a decisive bearing against harmonious proceedings on the part of the convention, a view of the exact facts is important.

On June 21st, Thursday, in a densely crowded theatre, 3,000 to 4,000 persons being present, the reports, majority and minority, from the committee on credentials were presented. The committee had found vacancies of whole delegations in the cases of Alabama, Mississippi, Louisiana, Texas, Florida and South Carolina; partial vacancies in Georgia, Arkansas and Delaware; and contested seats in Massachusetts, Delaware and Missouri. The report gave seats to the original Mississippi delegation; the original Texas delegation; the Soule delegates from Louisiana, instead of the original; the contestants from Alabama, instead of the original; half of each delegation from Georgia, instead of the whole original delegation; both sets of delegates from Arkansas, instead of the original alone; Chaffee, of Massachusetts, to the exclusion of Hallett; Bayard and Whitely, of Delaware, as against Boyd contesting Bayard's seat, and J. O. Dalton, of Missouri, against a contestant. Stevens, of Oregon, made a minority report, which excluded Bayard, in favor of Boyd; Chaffee, in favor of Hallett; Dalton, in favor of the contestant, and admitted the original delegations from Arkansas, Florida, Louisiana, Alabama, Georgia and Mississippi. This report insisted that delegates who had withdrawn were not out if they chose to return. Oregon, New Jersey, Pennsylvania, Delaware, Virginia, North Carolina, Tennessee, Kentucky, California and New Hampshire, in part, supported this report.

At the evening session, June 22d, 24 delegates from Virginia withdrew, leaving six in their seats. North Carolina then announced that a majority of the delegation (8) would withdraw on account of the outrage upon the people of the South, which the report adopted had perpetrated. Tennessee and Kentucky asked leave to go to consider whether they would secede. Then Maryland reported that six delegates had decided to secede. Stevens, of Oregon, announced that his State joined the seceders. Tennessee announced that 19 delegates would go out and five remain.

On reassembling, June 23d, the convention heard from Kentucky that 10 would withdraw and 9 would remain. One of the retiring delegates presented a paper of violent abuse of the convention, which it was unanimously voted not to receive. Two Missouri delegates, out of 18, announced their withdrawal. Tennessee reported that 13 delegates had withdrawn.

At this point of the proceedings, preparatory to the nomination of candidates, Caleb Cushing, of Massachusetts, chairman of the convention, resigned his seat to the vice-president of the convention, and joined the seceders outside. On the call of the roll for nominations, Butler responded for Massachusetts with a protest of a part of the delegation against the exclusion of Hallett, and their withdrawal. Pennsylvania announced that 9 delegates refused to vote.

On June 23, 1860, the convention, largely reduced in numbers by withdrawal of anti-Douglas delegates, effected the nomination of Douglas for the Presidency by the necessary two-thirds vote, and for a second name on the ticket that of Benjamin Fitzpatrick, of Alabama.

The first ballot gave Douglas $173\frac{1}{2}$ votes, and the second ballot $181\frac{1}{2}$, which was the necessary two-thirds of the depleted convention. The States not represented were Delaware, South Carolina, Florida, Texas, Mississippi, California and Oregon.

Just before the second and decisive ballot, when, of $194\frac{1}{2}$ votes, Douglas had $181\frac{1}{2}$, David L. Seymour, on behalf of Daniel S. Dickinson's supporters on the New York delegation, announced their cordial acceptance of Douglas as unquestionably the choice of a majority of the people of the State.

At the evening session of the sixth day, June 23d, a letter was

produced, which Douglas had written on the 20th, in which he said of "the perils of the sectional strife between the Northern and Southern partisans of Congressional intervention upon the subject of slavery in the Territories:

"Intervention means disunion. There is no difference in principle between Northern and Southern intervention. The one intervenes for slavery, and the other against slavery; but each appeals to the passions and prejudices of his own section, against the peace of the whole country and the right of self-government by the people of the Territories. Hence, the doctrine of non-intervention must be maintained at all hazards. If, therefore, you and my other friends shall be of the opinion that the unity and ascendancy of the Democratic Party can be maintained, and the country saved from the perils of Northern abolitionism and Southern disunion, by withdrawing my name, I beseech you to pursue that course. My interest will be best promoted by that course on the part of my friends which will be most effectual in saving the country from being ruled or ruined by a sectional interest."

Of the whole 303 votes of the convention, as the contested seats were finally settled, the number who actually seceded was about 86, including the South Carolina and Florida delegates, who did not appear at Baltimore at all. The 105 votes counted as present in the seceders' convention included contesting delegates from Alabama and Louisiana, who failed of admission to the regular convention, and therefore could not count as seceders from it. The number of votes actually counted as cast in the regular convention, 212½ on the first ballot, with Douglas 173½; and 194½ on the second ballot with Douglas 181½, was cut down by the large number of delegates who declined to vote, while yet they did not secede.

The Richmond Convention, representing the Charleston seceders, was organized June 12th, but adjourned over to June 21st. Upon meeting on the latter date it adjourned again to await the results of the Baltimore Convention; and in fact to leave the case of the South in the hands of their sympathizers at Baltimore. These were in full swing of determined secession by June 22d, with plans in hand which left nothing to be done at Richmond. For the most part, in fact, the

Richmond delegates were at Baltimore, where the line of battle was, and the standard under which the Southern extremists expected to make secession a broadly and thoroughly accomplished fact.

The Baltimore seceders met at noon, June 23d, with the following States represented, in whole or in part: Virginia, North Carolina, South Carolina, Missouri, Oregon, Florida, Louisiana, Mississippi, Texas, Tennessee, Kentucky and Arkansas. Caleb Cushing was of the number, and he was made chairman of the convention. Loring, another Massachusetts delegate, claimed the privilege of nominating John C. Breckenridge, of Kentucky, as candidate for the Presidency. Other nominations were R. M. T. Hunter, of Virginia, and Daniel S. Dickinson, of New York. On the first ballot 105 votes were cast, of which Dickinson had 24 and Breckenridge 81, and the latter was declared the nominee of the convention. Joseph Lane, of Oregon, was nominated for Vice-President.

The Albany *Argus*, of June 26, 1860, said of the result at Baltimore: "In an evil hour our Southern brethren have refused to be content with mere equality. They have made an impracticable issue—one at which the manhood and self-respect of the North revolts. They demand that the Federal government shall assume the special occupation of watching their negroes in the Territories. We are willing that their property shall stand upon the same footing as our own; but we are not willing to assume the special occupation of overseers, and cast upon Congress the invidious duty of protecting slave property and enacting slave codes. Our Southern brethren have asked the Democrats of the nation to go one step too far, and they have deliberately, in national convention, refused to take that step. For this refusal a portion of the ultra-men of the South have bolted—seceded from the national convention, and set up a disorganizing ticket in opposition to the regular Democratic nominees. The Democrats of the North will act with nearly perfect unanimity in support of the nominees of the regular national convention. The venue of the conflict is changed. The struggle has been transferred from the North to the South. Moderate and conservative men at the South will rally upon the National Democratic platform of non-intervention. In no States in the Union will there be a fiercer conflict than in those of

those extreme Southern States, Louisiana, Alabama and Georgia. And in all the Southern States the platform and candidates of the regular National Democracy will find a vigorous and determined support. The platform of non-intervention is the only one upon which a national party can ever hereafter exist. The idea of founding such a party upon Congressional protection of slavery is absurd, and will never find currency outside of the most ultra and fanatical slave States."

CHAPTER XXI.

National Republican Convention of 1860—Lincoln-Douglas Debates—
State Conventions of 1860—National Democratic Conventions
—Reasons for Division of Democratic Party—Result of Presidential Election—Proposed Concessions to South—Resignation of Southern Officials—Is the State Sovereign?—The Verge of War.

THE National Republican Convention which assembled at Chicago, May 17, 1860, was opened with immense demonstrations of enthusiasm for William H. Seward. His New York and Michigan supporters joined in a parade of 3,000 carrying the Seward banner. The extent to which there was opposition to Seward did not bring out anywhere mention of the name which was to be written on the campaign banner, and graven on the tablets of history. But from the moment that William M. Evarts, of New York, had made the nomination of Seward and Judd, of Illinois, had followed with the nomination of Abraham Lincoln, the tremendous outbreak of convention cheering, mainly that of the vast crowd in which the delegates were but a nucleus, indicated that the name of the anti-Douglas orator of the Illinois prairies suggested a far greater purpose than the orator of the Senate at Washington. Dayton, of New Jersey, Cameron of Pennsylvania, and Chase of Ohio were named for nomination with little popular response, and then Indiana raised another outburst by seconding the nomination of Lincoln. Michigan, seconding the nomination of Seward, brought the immense number of his supporters out in an attempt to offset the demonstration for Lincoln. But Ohio and Iowa successively seconded Lincoln's nomination and Judge Logan, of Illinois, created unprecedented excitement by calling for cheers for Lincoln as manifestly the choice of the convention, when as yet no ballot had been taken.

The first ballot gave Seward but 173 to Lincoln 102, Cameron 50, Chase 49, Bates 48, Dayton 14, McLean 12, Collamer 10, Wade 3, Frémont 1, Sumner 1 and Read 1. Lincoln gained 79 on the second ballot and Seward only 11. On the third ballot Lincoln gained 50, within two votes of a nomination, and thereupon John A. Andrew changed 4 Massachusetts votes to Lincoln and set in motion a storm of changes which raised his count to 354, leaving Seward with but 110. The explanation of this result was twofold, the conviction of the most astute Western leaders that Lincoln alone could carry Illinois and Indiana and was thus the only possible man to carry the election, and the fact that the stump speeches of the Illinois contestant for a seat in the United States Senate against Douglas had revealed him to all that section of the country as the matchless man and immaculate patriot as well as a marvelous orator, which the coming years were to prove to all the world.

The reception accorded to the news that Seward had failed of the nomination at Chicago, which was most confidently expected, not only throughout his own State but in the Eastern and Middle States generally, was an example of meagre information in the offices of leading journals which cannot but seem inexplicable to-day. It would seem that Lincoln was scarcely known in the East. He was strong in the then West in consequence of his being the only man able to carry Illinois and Indiana against Douglas. This was undoubtedly the primary cause of Lincoln's nomination. But of this the Eastern newspapers seemed to have no inkling.

The Albany *Argus* of May 19th declared that the intelligence of the afternoon before that "Seward was displaced to make room for this Mr. Lincoln—a man unnamed and unknown in three-fourths of the States when the delegations were chosen—caused not so much grief and indignation as wonder and a puzzled consciousness of some great but inexplicable fraud and cheat." The *Argus*, not foreseeing that Lincoln's majorities in the several counties of the State would be double those of Douglas, did not, of course, pretend to regret "a result which ensures to the Democratic Party (unless they have the fatuity to throw it away) a majority of the electoral colleges of the free States." The *Argus* pronounced that "the Republican Party had committed suicide

in order to escape from justice." That, instead of fighting it out manfully in face of public judgment falling heavily upon Sewardism, "they had retreated into a position of cowardly refuge." It is the unexpected which happens to the dismay of the prophets.

The fatuity which overtook the party at large did not prevent a union Democratic vote in the State, and a result in the number of Democratic ballots cast beyond expectation, and yet Lincoln carried the State by nearly 50,000 over Douglas, through the tremendous appeal which his name and his principle made to the sturdy yeomanry of the State. Lincoln's principle, the record of which will long remain an indisputable proof of his inflexible justice and immovable integrity, was in every way in which it could be tested fairer to the South and calmer in its temper than any other Northern man's. One of the respects in which he resembled Washington, and in which Douglas presented the greatest contrast to him, was his modesty and absence of self-assertion. On his way to Washington as President-elect he said to the Ohio Legislature at Columbus: "I cannot but know, what you all know, that without a name, perhaps without a reason why I should have a name, there has fallen upon me a task such as did not rest even upon the Father of his Country." The speeches which he made, when he and Douglas went over Illinois together, were as different as possible from those of Douglas. Lincoln's were notable for the absence of assertion. He invariably made an effort to bring out admitted facts and relied upon arguments or appeals to each hearer to consider for himself. It was this rare temper, with his invariable good humor and fairness, which enabled him to hold in rapt attention audiences of men not more than half of whom were on his side. The great debates between Douglas and Lincoln were begun at Ottawa, August 21, 1858, and after Douglas had filled a powerful speech with accusations against Lincoln of conspiracy to excite a war of sections, and to get the negroes of the South into a position of equality with the whites, the reply of Lincoln began as follows:

"When a man hears himself somewhat misrepresented it provokes him—or at least I find it so with myself—but when misrepresentation becomes very gross and palpable, it is more likely to amuse him." This mood of superiority to anger Lincoln maintained, while he calmly de-

nied the assertions of Douglas and stated his own position. In speaking of an amendment to the Nebraska bill to expressly authorize the people to exclude slavery, Lincoln said: "And now I state it as a fact, to be taken back if there is any mistake about it, that Judge Douglas and those acting with him voted that amendment down, because they knew that the Dred Scott decision, already made but not given out, would deny the power of a Territory to thus exclude slavery." And Lincoln added: "If this was not the reason it will avail the Judge much more to calmly and good-humoredly point out to these people what that other reason was for voting the amendment down, than swelling himself up to vociferate that he may be provoked to call somebody a liar."

Another point in the same connection was, why Douglas said in the Nebraska bill, "It being the true intent and meaning of this bill not to legislate slavery into any Territory or State." Why the word "State?" said Lincoln, unless Douglas expected that another Dred Scott decision would come, holding that the people of a State cannot exclude slavery from it, and he added: "If there was any different reason for putting it there, Judge Douglas, in a good-humored way, without calling anybody a liar, can tell what the reason was."

It was with the finest good humor that Lincoln fought his side of the debate, and nothing could be further from the mark than representing him as "a slang-whanging stump speaker," of whom his own party was ashamed. The quality of the speeches, as reasoning and as literature, in style and in argument, is very high indeed. In his command of the facts, and still more in his handling of them, every page shows the hand of a master.

Not only had Lincoln studied every aspect of the facts with calmer and clearer vision than any other man of the time, but he held as precisely as possible the exact principle of loyalty to the Constitution which was the fundamental principle of the Democracy of the North. He was by extraction of Kentucky and Virginia; he understood the term "Republican" as a return to the name under which the disciples of Jefferson were first known, and although he figured as a Whig, he was no more a Whig, in a narrow, partisan sense, than he was a narrow, partisan Democrat. And we have but to note his career in Central Illi-

nois; his early rise in politics, and his steady climb to a place above Douglas, the most consummate politician of the time, to be assured that Democrats, far more than Whigs, were his constituents, and that in fact he emerged above party, as Washington did, and bore up the standard of the nation in the character of a Democrat without a peer, a Republican such as no partisan has ever been. That the true Democrats made no mistake in giving large and loyal support to Lincoln, in his great war Presidency, will be more and more clearly understood as the steps of his career are traced, as the principles on which he acted are clearly understood and as the results of his life and work are appraised. Although nominally a Republican, he was essentially a Democrat.

"It must be understood," the *Argus* of July 2d said, "that the contest is between the unlucky Lincoln, and the man who never yet was beaten in a contest, Stephen A. Douglas." A movement in a corner on the part of Gideon J. Tucker and a few ultra-Hards, who had been denied recognition before any secessions at Charleston and who had sought in vain to have a hand in the seceders' convention at Richmond, began work in New York about July 1 to make a Breckenridge diversion from the Douglas Democracy of the State. Mayor Wood had gone with the Tuckerized Democrats to Charleston, had stepped out when the convention had denied them recognition, and he now opposed the proposed action. Wood wrote a letter, July 6, in which he recited, in the name of "The National Democracy," that he had favored an open declaration by the National Convention of the duty of Congress to give protection to slaves, as property, in the Territories; but had been shut out from helping to make that view prevail, and was thus compelled to see the Democracy split into factions. The inevitable result, said Wood, if any such split worked out at the polls, would be Democratic defeat and Lincoln made President. Therefore he counseled the getting together of all classes of Democrats simply as anti-Republicans, with no alternative but to vote for Douglas. The *Argus* of July 9th declared that the nomination of Lincoln was a cheat; that he was never advocated, suggested or thought of for the Presidency by the people or by his party, or any portion of his party, when the convention delegates were chosen; that some of the delegations conspired against Seward and Seward's friends retaliated, and from this antagonism it



resulted that "the obscure and unpopular Lincoln was selected, precisely as if a name had been drawn in a raffle."

A Breckenridge State Convention assembled at Syracuse August 7, 1860, and in the name of "the old line National Democracy of New York," passed resolutions endorsing the nomination made by the seceders' Richmond Convention. The convention put in nomination a full State ticket and a Breckenridge and Lane electoral ticket, headed by Gideon J. Tucker and Henry S. Randall as electors-at-large. In contrast with this action the Bell and Everett supporters, under the lead of Washington Hunt, planned for throwing their vote as much as possible to Douglas, the expectation being that no election by the people would be made and that the House of Representatives might elect Bell. This was a possibility, but party lines were too rigid to try it.

On August 15, 1860, the regular Democratic State Convention assembled at Syracuse, and with great enthusiasm and harmony put in nomination the following State ticket: William Kelly for Governor, William F. Allen for Lieutenant-Governor, William W. Wright for Canal Commissioner and William C. Rhodes for State Prison Inspector. A Douglas electoral ticket acceptable to the Bell and Everett "Union" party was made up.

One of the nominees of the Breckenridge electoral ticket sent to the *Daily News* of New York a letter of refusal to act. The writer said that he could see no reason why the "National Hards" of 1860 "should follow the lead of Dickinson and his friends, when they are now fighting against what, in 1854-5-6, they were fighting for," namely, a platform, with Judge Bronson on it, identical with the Douglas platform of 1860. Daniel S. Dickinson had made a speech in the Breckenridge convention, and the reference just quoted shows that it was a convention of Dickinson and his friends.

The Republican State Convention, at Syracuse, August 22d, nominated Morgan and Campbell for re-election as Governor and Lieutenant-Governor, and also an electoral ticket headed by William C. Bryant and James O. Putnam as electors-at-large. A feature of Republicanism at the coming election was to be a vote of the people on the amendment to the State Constitution, opening to citizenship the entire negro population of the State on the same terms as whites. This

President he will abandon the creed, the principles and pledges on which he will have been elected."

"It is too late! It is too late! We are upon the breakers. * * * I hear only the wailing cry of selfish terror as I sit upon the straining timbers, and watch the rage of the sea. My mind is filled, my heart swells with the thought that yon wave which towers above us will engulf more of human happiness and human hopes than have perished in any catastrophe since the world began."

In the first section of his letter Tilden said of the question between the eighteen Northern States and fifteen Southern States of the Confederacy: "It is a controversy which touches the relations of two races, being eight and a half millions of blacks, composing all the population of those fifteen States; relations which constitute a whole system of industry furnishing their staple exports and their exchanges with us and with all the world; relations which thus involve a vast interest in property—not less than three thousand millions of dollars permeating these fifteen States; relations which are the basis of the habits of families and of society in all these commonwealths and of their social order, a shock which is associated, in the minds of the dominant race, with a pervading sense of danger to the life of every human being."

To explain the change of position apparent in the stand taken in his letter Tilden said: "In renouncing the habit of Federal legislation as to slavery, in which we all grew up, and advocating the idea of Federal non-interference with the industry system of the South, I but conform to that sound political philosophy which, upon all the great industrial questions, has always guided not myself alone, but all radical Democrats."

That the State metropolis would give Douglas fifty thousand majority, insuring him a commanding lead in the State, was the confident Democratic prediction of the morning of Tuesday, November 6, 1860. Twenty-four hours later the indelible record printed at the top of the election report was: "The Republicans have carried the State of New York by a decided majority, and have elected Abraham Lincoln President. Doubtless every Northern State, except California and Oregon, has voted for Lincoln." Democratic defeat in Pennsylvania, Ohio and Indiana in the October elections had foreshadowed the result. The

estimate of relative majorities in the State made November 9th was that the Democrats had carried fifteen counties, with majorities aggregating 41,780, and that the Republicans had carried forty-five counties with majorities aggregating 82,970. The Congressmen elected were nine Democrats and twenty-four Republicans. Of the Democratic majorities that of New York City was 28,604 instead of 50,000, and even 50,000 would not have given the State to Douglas. Against the Kings County majority of 3,771, St. Lawrence showed 7,214; Onondaga, 4,026, and Cayuga, 3,966, with Allegany, 3,744; Oswego, 3,638; Oneida, 3,607; Jefferson, 3,500; Monroe, 3,485; Madison, 3,300, and Chautauqua and Steuben each 3,000. This heavy support of Lincoln in Seward's State was of phenomenal significance to the South. The press report from Virginia was that the great source of concern there was the vote in New York.

A press report of November 5, 1860, the day before the election, from Columbia, South Carolina, announced that instantly upon the organization of legislation, the impulse to immediate secession action was seen to be dominant, not to say rampant. The Governor's message put secession in the front, suggested that the Legislature remain in session to watch the course of events, and that it take action to prepare the State for the crisis, and advised military reorganization, arming every man between the ages of eighteen and forty-five, and that a force of ten thousand volunteers be got ready for action upon the shortest notice. Apprehending Lincoln's election, the Governor recommended that if it should take place a convention should be called to determine the mode and measure of redress. He said that, individually, he considered secession the only alternative left, and that the indications were that the secession of the State would instantly bring about that of the entire South. At the celebration of the completion of the Charleston and Savannah Railroad, the Mayor of Savannah pledged fifty thousand Georgians to rush to the assistance of South Carolina if coercion should be attempted by United States authorities. At an evening caucus, November 5th, it was found that a large majority of the Legislature favored immediate secession by State action. Senator Chesnut, who had not previously committed himself, spoke at great length and eloquently, declaring that the last hope of the Union was gone and that

resistance to Northern action was unavoidable. Action, however, was postponed on the 6th, for two days, to ascertain if Lincoln should be elected. In Georgia a mass meeting at Savannah, November 8th, adopted unanimously, with great enthusiasm, resolutions demanding secession rather than submission to Lincoln's election.

On November 10 the resignation of Senator Chesnut of South Carolina, from the United States Senate, was announced. A bill calling a convention to meet December 17, 1860, was passed November 10 by the Legislature of South Carolina, and on the same day Judge McGrath resigned from the bench of the United States District Court, as a step preparatory to participation in secession because of the election of Lincoln. On November 12 Senator Hammond, of South Carolina, followed Senator Chesnut in resigning his seat in the United States Senate. On the same day the Charleston *Courier* ran up the palmetto flag, and bade adieu to its Union principles. Hon. Alexander H. Stephens and Hon. Herschel V. Johnson were announced, November 13, as standing firmly for not joining the secession movement. It was announced, also, that at Charleston, in the arsenal, there were twenty thousand stand of arms, the best Government arms with plenty of ammunition, and that a local company, the Washington Light Infantry, was in charge of the arsenal.

Under the head of "A Budget of Blunders" the Albany *Argus* of November 14th said that no mistake was made in the platform adopted at Charleston, and that "the first great and fatal mistake" was the "secession of a few States" because of unreasonable and unwarranted objection to the platform. But for "the folly of the Charleston secession" there would have been, after a day or two of failure to nominate Douglas, some other nomination satisfactory to South and North alike, and the nominee of a thoroughly united Democracy would have been elected.

But the secession was not the only blunder. From the moment that union upon Douglas was seen to be impossible, the withdrawal of his candidacy and selection of a candidate satisfactory to Democrats generally, not only could, but would have been carried out, if the delegates had clearly discerned the path of wisdom and the line of duty. The stubborn, not to say stupid, adherence of the Douglas supporters

to a candidate who could not unite all Democrats acted fatally both at Charleston and later at Baltimore. It delayed the selection of a candidate, and it put wrong the action of the convention in its reassembling at Baltimore. The question of who should sit in the reassembled body was influenced, unfortunately and harmfully, by the question of who would adhere to Douglas. "The convention made a mistake in not admitting the seceding delegations," and thereby opening the way to selection of a candidate whose harmonious nomination would have ensured victory at the polls. But even this need not have closed the book of fate to Democratic chances of triumph. A further great mistake was that of a second secession, when some patience with Northern excess of zeal for the nomination of Douglas would have opened the way to his withdrawal, and the harmonious nomination of a candidate on whose selection a united party could count. The sequel to these mistakes was three nominations, where there need have been only one, and the overthrow of a house divided against itself.

In reply to the *Argus* representative Democrats pointed out that the Alabama (Yancey) State Convention framed a slavery protection platform and instructed its delegation to demand its acceptance by the convention before the making of a nomination, and in case that acceptance should be refused, the delegation should secede. The Alabama platform would have rendered impossible Democratic success in any Northern State. If another name than that of Douglas had been coupled with the Douglas platform, not only would the enthusiasm for Douglas have been lost, but the South would have had a candidate on the Alabama platform, and Democratic success would have been very doubtful. The real blunders affecting both the nation at large and the New York Democracy were these: Prevention by the Buchanan administration of the demonstrations of enthusiasm for Douglas which would have been made if the administration had not done its utmost to crush Douglas, regardless of crushing the Democratic Party. (2) The bargain under which old line Whigs were given places on the Democratic electoral ticket. (3) The still greater blunder of arranging, as a concession to the merchants of New York, to have Breckenridge disunionists given places on the Democratic ticket.

In giving its readers letters of protest as above, the *Argus* said:

"The question now is *whether we are longer to have a country* around which our affections can cling, and in supporting and forwarding whose best interests we can indulge in patriotic rivalry. Our painful convictions are that *the days of the American Union are numbered*, and that all that now remains is a question of months or, it may be, of years in relation to the line of division and the manner of separation."

On November 14, 1860, Hon. A. H. Stephens made a forceful speech at Savannah, advising that the State Legislature had no power to take the State out of the Union, and that the question could properly be acted upon only by a convention of the people of the State. T. R. Cobb had urged secession without tarrying for anything and Toombs protested his fear that a convention would not take decisive action. Had Stephens prevailed, wise counsels might have curbed headlong haste.

On November 15th the Governor of Alabama published a letter stating that on December 7th a proclamation would be issued by him calling a convention to meet on the first Monday of January to act upon the situation and that he concurred with the Governor of South Carolina in advising immediate secession without waiting for other States to act.

On November 17th the South Carolina secession convention met at Charleston and the question of action to make the movement decisive was from this moment urgently pressed.

In view of angry demands from the South for action in the North calculated to remove Southern fears and anxieties, concessions began to be suggested in some quarters of the North. Thus the Albany *Evening Journal* made these suggestions: Enforcement of the Fugitive Slave Law, compensation out of county funds for rescued slaves, extension of slavery, or protection for slavery, in the newly acquired Territories of the Southwest; and a convention to amend the Constitution with a view to greater security of slavery against interference.

The message of President Buchanan, December 3, 1860, denied the power of Congress "to coerce into submission a State which is attempting to withdraw or had actually withdrawn from the confederacy." It suggested by an amendment to the Constitution three points could be settled more clearly and effectively than the disputed Dred Scott decision—(1) the right of property in slaves in the slave States; (2) pro-

tection of that property in the Territories; and (3) greater security for the operation of the Fugitive Slave Law, by making void all State laws designed to defeat that law.

On December 8th Hon. Howell Cobb resigned from the office of Secretary of the Treasury, with the prophecy to President Buchanan that "history will record yours as the last administration of the present Union." Cobb gave as his reason for resigning his desire to take a hand in the secession proceedings of his State.

The resignation of General Cass from the office of Secretary of State followed, in consequence of President Buchanan's refusal to at once send to Fort Moultrie, in Charleston harbor, a reinforcement of troops sufficient to secure it against attack. General Cass urged that hesitation to send troops, after the threats that had been made and the events that had transpired, indicated a discreditable weakness in the Government and an inability to enforce its authority and compel obedience to its laws, the observation of which would permit and encourage the secessionists to go on much more boldly and confidently than they otherwise would. General Wool had advised General Cass that the first duty of the Government was the arming of Fort Moultrie. General Scott also wished Fort Moultrie to be reinforced at once. But Buchanan had no nerve for duty against the secession schemers, chief among whom were Floyd, his war secretary, and Wigfall, of Texas, who declared to Buchanan that to comply with the counsel of Cass, Wool and Scott would precipitate civil war. Under the terror of the situation the President issued a proclamation for fasting and prayer, January 4th, declaring that only God's arm could save us from the awful effects of our crimes and follies.

On November 15th the Albany *Argus* said: "We have steadfastly stood by the rights of the South as secured by the Constitution. We have deemed it not only a political, but also a moral obligation to fulfill towards them in its spirit every duty imposed by the federal compact. *But our action must be within the Constitution and the Union.* We can neither go out of the Union nor aid or justify others in going out. Fellow countrymen and fellow Democrats of the South, we will stand side by side with you to the last in the defence of yours and our rights under the Constitution and with the flag of the Union over us; but

should you turn your backs upon that flag and desert it you will, by the same act, turn your backs upon us and separate from us."

In his 1854 speech at Peoria, when Lincoln called the extension of slavery the great behemoth of danger, declaring that it endangered the liberties and institutions of the American people more than any or all other causes, he yet asserted that: "Much as I hate slavery I would consent to the extension of it rather than see the Union dissolved, just as I would consent to any *great* evil to avoid a *greater* one. But when I go to Union-saving I must believe, at least, that the means I employ have some adaptation to the end."

The *Argus* of November 26, 1860, said: "The South has no right to demand the privilege of its citizens to travel in the North with their slaves. It was extended to them not as a right, but as a matter of comity. Its repeal (in 1841) harmed the slave more than the master, for it shut him out of the State altogether and cut off entirely that summer vacation of travel and pleasure which was enjoyed by thousands of colored servants."

Upon the meeting of Congress, December 3, 1860, President Buchanan's very elaborate message protested that the grievances of the South did not justify the revolutionary remedy of secession; and yet he denied the power of "the Confederacy" to wage war upon a State, and advised an amendment of the Constitution, to define the status of slavery under the Constitution, in States and in Territories.

It was universally assumed and constantly argued on the part of the Southern States that the Union was a "Confederacy" of sovereign States. The term "Confederacy" survived in use among Republicans even, and the impression was very general throughout the country that what it had meant before 1787, it had continued to mean. The argument based upon this impression was to the last degree crude, but it did not lack craftiness. More than half of the notable patriots of Washington's time had fought the adoption of the Constitution to the utmost under the impression that the colonies were, and of right should continue to be, absolute political sovereignties. They did this with the more confidence and conscience because of their profound conviction that only small aggregates of population could preserve complete liberty. It was the exceptional minds only who saw farther than this.

The keen, prophetic intelligence of Washington put a mark of just condemnation upon the "State sovereignty" fiction, when he said, in a letter of March, 1787, to John Jay, of the prospect of opposition in the several States to the adoption of the Constitution: "A thirst for power and the bantling—I had liked to have said the monster—sovereignty, which has taken such fast hold of the States individually, will, when joined by the many whose personal consequence in the line of State politics will, in a manner be annihilated, form a strong phalanx against it."

A month later James Madison said in a letter to Edmund Randolph: "I hold that an individual independence of the States is utterly irreconcilable with the idea of aggregate sovereignty."

It is obvious that colonial organic action had been under a sovereignty of continental character. It is hardly less clear that the confederation of the colonies, represented by a Continental Congress and Continental army was expected to take the place of the sovereignty of Great Britain; but the several colonies had failed to carry out this expectation in their Articles of Confederation and thus found themselves under the necessity of beginning again, and strengthening the weakness of the aggregate sovereignty. And to begin again they made a plan in the name of the aggregate people of all the colonies or States. They avoided having either the colonial Legislatures or their Continental Congress concerned in the making and adoption of this plan; and thus the final acceptance of it by conventions of the peoples of the several colonies meant acceptance of subordination of each State to a central aggregate of sovereignty. Failure to understand this lay at the bottom of the great conflict necessarily resulting from secession on the basis of appeal in each and every single State.

Measures of concession proposed by the *Albany Evening Journal*, November 30, 1860, and supposed to have the approval of Senator Seward were: The enforcement of the Fugitive Slave Law, the compensation to masters, by the counties, for rescued slaves; the extension of slavery to the newly acquired Territories of the Southwest; and a convention to amend the Constitution. The *New York Tribune's* suggestion of concession was that of payment of a fixed annual sum for escaped slaves. Talk of repeal of Personal Liberty acts came to a test

in Vermont by a vote of 58 for repeal (25 Republicans and 33 Democrats) to 125 against, all Republicans. The *Albany Journal* gave as reasons for concession: 1. Imminent danger of dissolution of the Union. 2. Origin of the danger in the ambition and cupidity of men who desire a Southern despotism; and in the fanatic zeal of Northern abolitionists who seek the emancipation of slaves regardless of consequences. The disunion sentiment, the *Journal* said, "is paramount in at least seven States, while it divides and distracts as many more. And the South is in earnest; the sentiment has taken hold of all classes with such blind vehemence as to crush out the Union sentiment."

The *Argus* pointed out that there was no provision for a convention of the States to revise the Constitution. Action by two-thirds of both Houses of Congress, ratified by the Legislatures of three-fourths of the States, was the only legitimate method of initiating changes in the Constitution. To-day (December 3d), the *Argus* added, "Congress meets—perhaps the last that will represent these United States."

Of what would probably be the immediate result of disunion proceedings carried to the last extreme not even the most discerning and most confident leaders had taken account. The impression was especially strong with them, that sympathizers with their situation throughout the North would control public action there. When Benjamin F. Butler, of Massachusetts, who had sided with the extreme Breckenridge Southern delegates in the conventions at Charleston and Baltimore, came to Washington in the winter after the election of Lincoln to look into the situation, and asked what the secession threats meant and to the reply that they meant a Southern Confederacy, said, "Are you prepared for war?" "There will be no war," was the answer, "the North won't fight;" very promptly and emphatically he replied, "The North *will* fight; the North will send the *last man* and expend the *last dollar* to maintain the government." "But," was the response, "the North can't fight; we have too many allies there." "You have friends," replied Butler, "in the North who will stand by you as long as you fight your battles in the Union; but the moment you fire on the flag the North will be a unit against you. And you may be assured that, if war comes slavery ends."

To General Charles Stewart, of New York, who asked what would

be the result of the efforts of Jefferson Davis and his associates to break asunder the Union, Mr. Douglas had replied, on New Year's Day 1861:

"The Cotton States are making an effort to draw in the Border States to their schemes, and I am but too fearful they will succeed. If they do there will be the most fearful civil war the world has ever seen lasting for years. Virginia, over yonder across the Potomac, will become a charnel house—but in the end the Union will triumph. They will try to get possession of this capital, but in that effort they will never succeed; the North will rise *en masse* to defend it. But Washington will become a city of hospitals, the churches will be used for the sick and wounded. This Minnesota block (in which Mr. and Mrs. Douglas had their residence) will be devoted to that purpose before the end of the war."

And to the question what justification for all this the South had Mr. Douglas replied: "There is no justification. I will go as far as the Constitution will permit to maintain their just rights, but if the Southern States attempt to secede I am in favor of their having just as many slaves and just so much slave territory as they can hold at the point of the bayonet, and no more."

CHAPTER XXII.

The War Period—Views of Leading Men and of the Press of that Day—The Fall of Fort Sumter—Governor Seymour's Second Administration—The Draft Riots in New York City—Elections of 1864.

THE national dilemma created by the situation in 1860 was one to make the judicious pause, and the bravest hesitate. It was not given to any one to either put courage to the utmost proof, regardless of results, or to see, through no matter what smoke of conflict, a day of more perfect union. The ordinance of secession passed by the State convention of South Carolina, December 20, 1860, set in motion wheels of destiny, the full significance of which no man could discern. It seemed to the authors of this act that their State might properly seek, by commissioners sent to President Buchanan, to have such property as forts, arsenals, arms and ammunition turned over to them upon their assurance that such property would be properly accounted for. It seemed not less plain that any process of seizure, necessary to make sure of possession and use of properties of the United States, could not be called in question. And to secure themselves against all the chances, and make sure of all the advantages, the Buchanan administration were warily and watchfully influenced to do nothing at present, and to understand themselves as pledged not to do anything, in the least calculated to raise an arm of law, or arms of power, against the secession schemers.

One man, solitary and apart, Major Anderson, at Fort Moultrie, in Charleston harbor, escaped the effect of these arrangements, and acted on his discernment, his judgment and his courage in executing the transfer of his little force from Moultrie to Sumter, on the 26th of December. Buchanan's war secretary, John B. Floyd, who was using his

position to promote to the utmost possible a concentration of advantages and resources within reach of the secession schemers, desired Buchanan's permission, December 27, 1860, to order Major Anderson back from Fort Sumter to Fort Moultrie, and failing to make Buchanan concede this he promptly resigned, December 29th. A very serious charge of embezzlement brought against Floyd had caused Buchanan to ask for his resignation three days before, and the 31st saw the conspirator out altogether. Jeremiah S. Black had succeeded Cass as Secretary of State, and his position as Attorney-General had been taken by Edwin M. Stanton. Postmaster-General Holt was given charge of the War Department. The developments of a short time had transformed Black from a supporter of Buchanan's hesitation to an energetic adviser of prompt and fearless action, and with Stanton and Holt co-operating, the Cabinet was no longer what it had been, a clearing house for secession schemers.

On Friday, December 28th, Buchanan got the news from Charleston that Governor Pickens had gone the whole length of active war by military seizure of Fort Moultrie, Castle Pinckney, the arsenal, the postoffice and the custom house, and directly after he gave an interview to commissioners from Pickens, whose business was to propose surrender of all United States properties and positions to the seceded State. These commissioners ventured an accusative and angry attitude, counting upon not less success than when Cobb and Floyd were in control, but they got instead a denial, due to the new influence of Black, Holt and Stanton. Saturday night, December 29th, when a Cabinet meeting closed with Buchanan stupidly doubtful, hesitating and ineffective, Black, Holt and Stanton were moved to put forth their utmost energy to have something done. On Sunday morning, the 30th, Black made known to Holt and Stanton his resolve to resign because of Buchanan's indisposition to maintain the Government, and Stanton joined in the step. Toucey, the Cabinet member who most nearly shared Buchanan's views, reported the situation, and the immediate result was the abdication of the nerveless President to the extent of denial for the future of secession demands.

Holt took charge of Floyd's duties December 31st, and promptly called into co-operation General Scott, for whom for six weeks the Cab-

inet had had no use. The commissioners heard from Buchanan his refusal to give up Sumter, or to trade with South Carolina, and the envoys of Pickens sent him this word: "Holt has been appointed Secretary of War. He is for coercion and war is inevitable."

The dawn of 1861 was gloomy in the extreme. No naval power to speak of was at hand available for immediate use, nor were there troops within call for any task of importance. The credit of the Government was shattered, and to put anything into an empty treasury meant borrowing at twelve per cent. interest. On January 8th, the day on which Buchanan sent a special message to Congress bemoaning a situation which was too much for him, Thompson, Secretary of the Interior, resigned on the ground that the sending of reinforcements was a breach of faith with *him*, as a sentry on guard for the secession schemers. War Department orders to send the Brooklyn with reinforcements to Fort Sumter had been suspended by Buchanan, December 31st, and what to do in the matter was hotly discussed in a special Cabinet meeting, January 2d, and at the moment when Thompson had been overruled by Black, Holt and Stanton, there came in a final letter from the Pickens envoys, the vigorously accusative character of which caused great indignation, and roused Buchanan to say: "It is now all over and reinforcements must be sent."

The steamer *Star* of the West left New York during the night of January 5th with supplies and reinforcements for Fort Sumter, and reached her destination on the 9th, but only to give up, when more than half accomplished, the experiment of passing the secession batteries to the fort. As soon as Floyd heard of the move he wrote out his resignation, January 8th, and at the same moment sent a telegram to Charleston which enabled the Pickens extemporized batteries to fire on the Government steamer carrying supplies and troops for Sumter.

The newly inaugurated Governor of South Carolina, F. W. Pickens, on the instant of his inauguration, December 17th, the day of the meeting of the secession convention, but before it had taken any action, sent off a messenger to Washington with a letter to Buchanan requesting that Fort Sumter be turned over to his keeping, on pain of "the effusion of blood, which no human power may be able to prevent." This was a plain threat that an attack on the fort to get possession of it

would be made, and instead of taking steps against such lawless bloodshed Governor Pickens implied that he would permit and promote it, if the President did not surrender possession.

On December 20th Buchanan replied to Pickens: "I have no power to surrender Fort Sumter. It is for me to preserve the status of the public property as I found it. If South Carolina should attack any of these forts she will then become the assailant in a war with the United States. It will not then be a question of coercing a State to remain in the Union, to which I am utterly opposed, but it will be a question of voluntarily precipitating a conflict of arms on her part. Between independent governments, if one possesses a fortress within the limits of another, and the latter should seize it without calling upon the appropriate authorities of the power in possession to surrender it, this would not only be a just cause of war, but the actual commencement of hostilities."

This reply was not sent, because persons in Washington interfered to have Pickens withdraw his letter the morning after Buchanan wrote. What had been previously done in the direction of Pickens' demand, while Cobb and Floyd and Thompson were the power behind Buchanan, appears from the letter sent to Pickens, December 21st, by his agent at Washington, William Henry Trescott, who filled the office of Assistant Secretary of State, and acted as agent-general for the secession scheme. Mr. Trescott said to Pickens of Buchanan's course to that date: "He had removed Colonel Gardiner from command at Fort Moultrie for carrying ammunition from the arsenal at Charleston; he had refused to send reinforcements to the garrison there; he had accepted the resignation of the oldest, most eminent and highest member of his Cabinet, rather than consent to send additional force, and the night before your letter arrived, upon a telegram that arms (forty muskets) had been removed from the arsenal to Fort Moultrie, the Department of War had issued prompt orders by telegraph to the office, removing them, to restore them at once."

A memorandum of Buchanan's says of the facts in the case: "Thursday night, December 20th, between 9 and 10 o'clock, Mr. Trescott called upon me. He said that he had seen Messrs. Bonham and McQueen of the South Carolina delegation; that they all agreed that

this letter of Governor Pickens was in violation of the pledges which had been given by themselves not to make an assault upon the forts, but to leave them in *statu quo* until the result of an application of commissioners to be appointed by the State was known." This shows that Pickens' letter was understood to be an ultimatum preparatory to an act of war, without justification in any act of war on the part of the United States.

The day after Pickens wrote this ultimatum Buchanan had written to Pickens a letter commending Caleb Cushing to his attention as a Government envoy. Cushing had an interview with Pickens, December 20th, the day of the passage of the secession ordinance, and got very scant attention, the only reply vouchsafed by Pickens to Buchanan being the grotesquely undiplomatic assurance that disunion was an accomplished fact and that nothing could deter him from fighting it out.

On January 1, 1861, Alexander H. Stephens wrote of "the address put forth by the convention at Charleston to the Southern States:"

"It has not impressed me favorably. In it South Carolina clearly shows that it is not her intention to be satisfied with any redress of grievances. Indeed she hardly deigns to specify any. The slavery question is almost entirely ignored. Her greatest complaint seems to be the tariff, though there is but little intelligent or intelligible thought on that subject. Perhaps the less she said about it the better. For the present tariff from which she secedes is just what her own Senators and members in Congress made it. There are general and vague charges about consolidation, despotism, etc., and the South having, under the operation of the General Government, been reduced to a minority incapable of protecting itself. This complaint I do not think well founded. The truth is, the South, almost in mass, has voted, I think, for every measure of general legislation that has passed both Houses and become law for the last ten years. Indeed, with but few exceptions, the South has controlled the Government in its every important action from the beginning. The protective policy was once, for a time, carried against the South, but that was subsequently completely changed. Our policy ultimately prevailed. The South put in power—or joined a united country in putting in power and sustaining the administration of Washington for eight years. She put in and sus-

tained Jefferson for eight years, Madison eight years, Monroe eight years, Jackson eight years, Van Buren four years, Tyler four years. Polk four years, Pierce four years and Buchanan four years. That is, they have aided in making and maintaining the administration for sixty years out of seventy-two of the government's existence. Does this look like we were or are in an abject minority at the mercy of a despotic Northern majority, rapacious to rob and plunder us? It is true we are in a minority, and have been a long time. It is true also that a party at the North advocates principles which would lead to a despotism; and they would rob us if they had the power—I have no doubt of that. But by the prudent and wise counsels of Southern statesmen this party has been kept in the minority in the past, and by the same prudent and wise statesmanship on our part, I can but hope and think it can be kept so for many long years to come."

One concession to South Carolina Mr. Stephens made, in saying that the Personal Liberty bills of fourteen Northern States, by rendering the recovery of fugitives impossible, had created a real grievance, in view of which he said: "They constitute the only cause in my opinion which can justify secession." Yet the facts were that South Carolina lost in 1860 but 23 slaves, a little more than one two-hundredth of one per cent. of that species of property; and for the whole South in 1860 the entire loss of fugitives had been only 803, only about one-fiftieth of one per cent. of her property in slaves.

Two days before Mr. Stephens wrote as above in a private letter to his brother, he had said in a confidential correspondence with President-elect Lincoln: "The leading object in the platform of principles announced by the triumphant party seems to be simply, and wantonly, if you please, to put the institutions of nearly half the States under the ban of public opinion and national condemnation. This, upon general principles, is quite enough of itself to arouse a spirit not only of general indignation, but of revolt on the part of the proscribed."

Governor Gist, the predecessor of Pickens, had said in a letter of November 29th to Trescott: "I have found great difficulty in restraining the people of Charleston from seizing the forts, and have only been able to restrain them by the assurance that no additional troops would be sent to the forts, or any munitions of war * * * If

President Buchanan takes a different course from the one indicated and sends on a reinforcement, the responsibility will rest on him of lighting the torch of discord, which will only be quenched in blood." The letter in which Governor Gist wrote thus began with declaring that South Carolina was "determined to secede from the Federal Union very soon after her convention meets;" and yet it went on to say, "the desire of her constituted authorities is, not to do anything that will bring on a collision before the ordinance of secession has been passed and notice has been given to the President of the fact; and not then, unless compelled to do so by the refusal of the President to recognize our right to secede, by attempting to interfere, with our exports or imports, or by refusal to surrender the forts and arsenals in our limits."

This letter Trescott was given liberty to show to Buchanan, and he did show it to him on the evening of Sunday, December 2d, and got an appearance of acquiescence in the views of Governor Gist. The administration had refused, December 1st, to send to Major Anderson at Fort Moultrie the reinforcements he so urgently asked for. The steam sloop-of-war Brooklyn had arrived home at the Norfolk navy yard, November 28th, and her presence suggested to the hopes of some and to the fears of others, that she might serve for asserting the authority of the United States in the harbor of Charleston. In view of this fear South Carolina representatives secured an interview with Buchanan, and delivered this menace: "It is our solemn conviction that if you attempt to send a solitary soldier to these forts, the instant the intelligence reaches our people (and we shall take care that it does reach them, for we have sources of information in Washington so that no orders can be issued without our getting information) these forts will be forcibly and immediately stormed. We all assured him that if an attempt was made to transport reinforcements our people would take these forts, and we would go home and help them to do it; for it would be suicidal folly for us to allow the forts to be manned. And we further said to him that a bloody result would follow the sending of troops to those forts."

It was under such open and arrogant threats of war that Buchanan laid himself prostrate for the secession schemers to trample over him in their eager scurrying about to create a situation entirely to their satis-

stood out, on the ground that "no present necessity exists for a resort to force for the protection of the public property," and that any action guarding against future attack would be at the risk of "a collision of arms in the harbor of Charleston."

The State election of November, 1860, had resulted in a Legislature for 1861 composed of 23 Republicans and 9 Democrats in the Senate, with 93 Republicans and 35 Democrats in the Assembly. Governor Edwin D. Morgan advised repeal of the Personal Liberty bill, and suggested that other States should do the same, and that the State representatives in Congress should lean strongly to conciliation. The response of the two Houses was the reverse of conciliatory, by a nearly unanimous vote, 157 out of 160. Resolutions were passed January 11th, 1861, with only one negative in the Senate and two in the Assembly, declaring, in view of acts of war and openly avowed treasonable designs at Charleston, that the State tendered the President "whatever aid in men and money may be required to enable him to enforce the laws and uphold the authority of the Federal Government, and that, in defense of the Union, we are ready to devote our fortunes, our lives and our sacred honor."

This note of firm, fearless defiance by the united Legislature of the Empire State of the North was received with great indignation in Virginia and in Georgia, and in contrast with it, several attempts were made to operate some scheme of conciliation adequate to arrest the disunion outbreak all over the South. A compromise memorial with an immense number of signatures was sent to Congress, January 12th; a Chamber of Commerce demonstration, January 18th, operated in the same direction; commissioners were sent to the Peace Commission at Washington, February 4th, which Virginia had called, and other commissioners to a half dozen of the extreme secession States; and at Albany a Democratic call brought together a convention of notable men whose united voices were for concession, compromise, conciliation.

Meanwhile, Governor Pickens, at Charleston, demanded, January 11th, the surrender of Fort Sumter, and on the same day at Washington, Thomas, who had succeeded Cobb as Secretary of the Treasury, resigned on the ground that he could not consent to any attempt to enforce the collection of the customs at Charleston. The appointment at

once of John A. Dix as Secretary of the Treasury brought into line for distinguished Union service one of the staunchest of New York Democrats. Mr. Dix gave his support without fear and with great zeal to Buchanan's views of the December 3d annual message and the January 8th special message, against the right of secession, and on "the duty to use military force defensively against those who resist the Federal officers in the execution of their legal functions, and against those who assail the property of the Federal Government."

At a meeting in Union Square of later date, April 20th, Mr. Dix stated that if South Carolina authorities had tendered war to the Buchanan administration by a hostile and deadly assault, it would have been unanimously accepted. He cited a declaration of Secretary of War Holt to Mr. Hayne, Commissioner of South Carolina, that an assault on Fort Sumter, plunging the country into the horrors of civil war, would be upon their responsibility. On January 22d Secretary Holt stated to the South Carolina Commissioner that General Anderson would be reinforced whenever it should appear necessary.

Upon the fall of Fort Sumter, April 14, 1861, under a tremendous assault for thirty-four hours of thirty guns and seventeen mortars, and the call of President Lincoln for 75,000 troops, the New York Legislature within a few hours passed an act appropriating \$3,000,000, conferring large powers on the Governor, authorizing the enrollment of 30,000 men to cover the quota of 13,000 called for, and for two years instead of three months. An officer dispatched to Washington obtained the acceptance of the surplus twenty-one regiments, and on April 16th the regiments rendezvoused at New York City received marching orders to proceed to Washington. Large contracts for supplies were at once made. On April 24th an agent with a letter of credit for half a million left for Europe to buy arms, and at a cost of \$375,000 19,000 Enfield rifles were landed in New York. Between April 15th and May 25th the authorized 30,000 men had been raised, and by July 12th the thirty-eight regiments had been organized, officered and sent to the seat of war. A Union Defense Committee in New York City had further secured the further enlistment of 8,300 three months' militia, 3,400 three years' militia, and 5,000 three years' volunteers, bringing the total of New York troops in the field, three months from the first call, to 46,700.

After the battle of Bull Run, with the proofs which it gave of a contest the magnitude and continuance of which no man could forecast, Governor Morgan issued a call for 25,000 three years' troops. On October 1st the quota of the State was raised to 100,000 and November 6th to 120,000. On September 7th the State paymaster, General Van Buren, paid \$287,490 to forty regiments on account of services rendered before transfer from the State muster roll to the payroll of the United States. Both the State and the city of New York faced the emergency without distinction of parties, with a promptness, energy and generosity of exertions impossible to have been surpassed. The aggregate number of volunteers furnished up to January 1, 1862, was 120,361, and with all reductions there were in the field December 31, 1861, 89,034 New York troops, while the number of volunteers not yet sent to the front brought this force up to 103,307.

At the close of the year it was seen that while all the States had been very active in mustering troops into the service of the Government, the sinews of war for payment of \$2,000,000 a day had to come from New York. The Secretary of the United States Treasury reported that he had borrowed up to the close of 1861 \$260,000,000, and in addition \$210,000,000 advanced by New York. While Boston reduced the quota of its advance from 30 to 20 per cent. New York, neither doubting nor hesitating, took not only its own, but that which Boston failed to take.

A remarkable change took place in the political affairs of the State of New York in the year 1862. It has long been a popular opinion that the war of 1861 to '65 was inaugurated to destroy the institution of slavery in the United States. Such an intention was not entertained by any political party except the Abolitionists. The Republican Party certainly began the war with no such purpose. In the year named the Democrats began to charge the administration with the intention to destroy the institution of slavery. The idea began to grow from various causes as the war progressed. In order to cripple the South some of the Northern generals, on their own responsibility, set slaves free when they had the opportunity, until warned by President Lincoln that they must not do so. Northern politicians, seeing that it was one means of crippling the South, began to advocate the abolition

of slavery and many Republican nominees for office in 1862 openly advocated anti-slavery. This was going much further than many men in the North were willing to go. For, notwithstanding the fact that the South had precipitated the war, there were still men who could not bring themselves to the point of robbing the South of its great industrial institution without any recompense.

In New York State the Democrats nominated Horatio Seymour for Governor. At the same time the convention expressed by resolutions the intention of the Democratic Party to uphold the national Government in its struggle with the South.

The convention, which met at Albany, said: "That the Democracy of New York will continue to render the Government their sincere and united support in the use of all legitimate means to suppress the rebellion and restore the Union as it was and maintain the Constitution as it is;" that they wished to abide by the unanimously adopted declaration of Congress, passed in July, 1861, which set forth:

"That the present deplorable civil war has been forced upon the country by the disunionists," and that "the war is not waged with any purpose of overthrowing or interfering with the right of established institutions of the Southern States," and that "the illegal and unconstitutional arrests and imprisonment of citizens in this State are without the justification of necessity."

Of the thirty-one members of Congress the Democrats elected 14 and the Republicans 17. The State Senate stood 23 Republican to 9 Democratic, and the Assembly 64 of one to 64 of the other.

The Republicans nominated a ticket headed by General James S. Wadsworth for Governor, a man of wealth and high character, but an extreme radical in the conduct of the war.

Horatio Seymour was no new figure in the political life of the State. He had been active in politics for twenty years and had achieved the reputation of being one of the ablest statesmen of his day in this State.

He was born in the town of Pompey, Onondaga County, New York, in the year 1811. He studied law, but gave up his practice after the death of his father, when he inherited the family estate. When thirty years of age he was elected Mayor of the city of Utica and in the fall of 1841 was elected to the State Legislature, as member of Assembly.

He was re-elected to the Assembly in 1843 and 1844. In 1850 he was the Democratic candidate for Governor against Washington Hunt, the celebrated Whig, but was defeated. He was, however, elected Governor in 1852, as has already been noted in these pages. In 1854 he was re-nominated for Governor, but was defeated by Myron H. Clark.

When nominated for the fourth time for the office of Governor in 1862 Horatio Seymour was not only an old campaigner, but he had a high reputation as an able and wise legislator, and was very intimately known all over the State. It would seem that his personal popularity was a considerable factor in his election, for at that time politics were subservient to national sentiment and the national administration was Republican, as was that of the State. Moreover, he was elected by a majority of 10,752, while the State Senate remained overwhelmingly Republican and the Assembly was a tie between the Republicans and Democrats.

Governor Seymour was inaugurated January 1, 1863, and his first message to the Legislature was characterized by its tone of strong dissent from almost the entire policy of the national administration. He declared that not only Congress, but the Government, had violated the rights of the States; he declared the origin of the war to be a disregard of the obligations of the Constitution and disrespect for constitutional authority, and supported his contention by arguments. He charged the Government with extravagance and corruption in every department and violations of the Constitution and laws in making arbitrary arrests in disregard of the rights and authority of the States. He arraigned the administration for suppressing newspapers and proclaiming martial law and for attempting to emancipate the slaves. He prophesied national bankruptcy and declared that the Government, in its persistent attempts to subjugate the South, had violated its pledges, made at the beginning of the war, and had failed in the attainment of its ends. At the same time he insisted that the Union must be restored to its integrity as it had existed before the rebellion; that the situation, being as it was, must be accepted; that the armies must be supported and that all requirements of the Constitution must be respected and responded to. He declared that under no conditions could a division of the Union be permitted.

The patriotic tone of the message gave great strength to that part of it arraigning the national administration, but it is more than doubtful if the attack upon the national Government effected any good, either to Governor Seymour or to the country at large. Had all men of his day possessed his mind and heart, such an arraignment would not have produced ill results, but it certainly cooled the patriotic ardor of many men throughout New York State.

There is always a peace faction and there was one in 1862. The peace faction used the message as an argument for the discouragement of volunteering, and Northern agitators who sympathized with the South made it a basis for inflammatory speeches intended to divide and disturb the people. Early in June, 1862, a mass meeting under the auspices of the peace faction assembled in New York City and adopted a series of characteristic resolutions. After declaring their allegiance to the Constitution, they proceeded to deny that the national Government had power to coerce a State. They asserted that the war was unconstitutional and ought to be brought to an end, and they protested against the "cowardly, despotic and inhuman act of the banishing of C. L. Vallandigham."

In the spring of 1863 Vallandigham, an ex-member of Congress, from the State of Ohio, busied himself sowing sedition among the people of his State. General Burnside was commander of the military department where Vallandigham was operating. He had issued a general order for the suppression of seditious speech and action, but this Vallandigham defied. He was thereupon arrested at his own house in Dayton, Ohio, was tried by court-martial, convicted and sentenced to close confinement in a fortress during the remainder of the war. This sentence was afterwards commuted to banishment within the Confederate lines. The Southerners, however, treated him so coolly that he became disgusted and made his way to Canada. In the meantime, however, the Democratic State Convention of Ohio nominated him for Governor.

The obstructions which the peace faction succeeded in casting in the way of enlistments reduced recruits to such an extent that the President was compelled, under the authority of Congress, to order a general draft to fill up the ranks of the armies. Immediately

after the proclamation for a conscription appeared a public meeting was held in Albany to consider the arrest of Vallandigham and Governor Seymour was invited to attend. He declined the invitation, but sent a letter in which he expressed his views very freely and denounced the act as a violation of the most sacred rights of every citizen. He declared that the governments and the courts of some of the Western States had sunk into insignificance before military power and that the people would now "pause to see what kind of a government it is for which we are asked to pour out our blood and treasure" and "whether this war is waged to put down rebellion at the South or to destroy free institutions at the North."

These things tended toward dissatisfaction and, when the proclamation for a draft was published, organized resistance to the measure instantly appeared. The leaders of the peace faction denounced the draft and all acts under it as despotic and unconstitutional. A lawyer in New York, named McCunn, who never succeeded in achieving distinction in any other way, declared the draft unconstitutional; he was, however, sustained by Judges Lowrie, Woodward and Thompson of the Supreme Court of Pennsylvania. With the support of these decision behind them, politicians opposed to the draft were reckless in stirring up opposition to it.

On the evening of July 3rd an incendiary handbill, inciting to insurrection, was scattered all over New York City and a morning paper advised its readers to provide themselves with arms to "defend their homes and personal liberties from invasion from any quarter." The draft began in New York City on July 13th in a building on the corner of Forty-sixth street and Third avenue. A crowd suddenly collected, cut the telegraph wires leading out of the city, attacked the building, drove out the men in charge of the draft, poured kerosene over the floor of the room and set fire to the edifice. This was the beginning of a three days' riot. Firemen and police were driven off and disloyal men from the Southern States, aided by foreigners from the slums of the city, continued a career of crime until July 17th. The wrath of the mob was especially directed against the innocent colored people. Men and women were pounded to death in the streets and colored people were hunted as if they were wild beasts. The insurrection was finally

suppressed by the police, aided by some troops, but not until two million dollars' worth of property had been destroyed and 1,000 persons had been killed or wounded.

Governor Seymour was at the seashore, a few miles from New York, when the riot took place and he came into the city to endeavor, by his presence, to quell the disturbance. He issued a proclamation declaring the town in a state of insurrection, and then repaired to the City Hall and from its steps addressed the multitude in his quiet, soothing way, telling them he had sent his Adjutant-General to Washington to demand a suspension of the draft until a judicial decision concerning it might be reached. His mild exhortation had no effect whatever upon the mob and his demand for the suspension of the draft was disregarded by Lincoln. General Dix was at that time commander of the Department of the East and he asked Governor Seymour for military aid to enforce the draft. The Governor refused and the Secretary of War ordered several regiments and batteries of artillery to the assistance of General Dix.

The draft riot in New York City in 1863 must in no way or sense be construed as an indication that this State was not loyal to the national administration in its conduct of the war. But for foreigners and Southerners the draft riot would probably never have occurred at all, for the peace faction, who certainly were opposed to fighting, would scarcely have gone to that extremity. In fact there was no more loyal and patriotic State than New York during the war of the rebellion and no State in the Union contributed in men and money as this State did. From April, 1861, to May, 1865, the State gave for military service 473,443 men, and of that number 116,382 went from New York City and the State disbursed over \$35,000,000 to its soldiers, in bounties alone.

On March 30, 1863, a powerful association, which was the precursor of the Union League Club, was formed in New York City for the purpose of giving both moral and physical support to the Government in its struggle with the South. This club asked Governor Seymour to give them authority to recruit a regiment of colored men. The Governor refused on the ground that he had no power to do so. The Secretary of War then gave the club the desired authority and within

a month a full regiment was recruited and placed in the field, the club contributing \$18,000 toward the regiment.

In February, 1863, the United States Congress passed an act for the establishment of national paper currency and also providing for a creation of national banking institutions. That act was the parent of our national banks, and the Chase National Bank of New York City was the first established under the law.

In 1863 Governor Seymour had suggested to the Legislature that an amendment to the State Constitution be secured, giving to soldiers absent in the service of the United States the privilege of voting wherever they might be; and such an amendment, passed in 1863, and concurred in by the Legislature of 1864, was approved by popular vote, in March, 1864, and a law to carry it out put in force with Governor Seymour's signature, April 21st.

On September 10, 1863, the Democratic convention assembled at Albany and nominated Daniel B. St. John for Secretary of State, Sanford E. Church for Comptroller, Marshall B. Champlain for Attorney-General, William B. Lewis for Treasurer and Van R. Richmond for State Engineer. The Republicans nominated a ticket headed by Chauncey M. Depew, Lucius Robinson, George W. Schuyler and John Cochrane, for the four leading offices, as above. The Depew ticket was elected by 314,347 for Depew to 284,942 for St. John.

An attempt was made in the spring of 1864 to stop payment in gold of the interest due to foreign State creditors. Home creditors had been paid in currency, while under a special provision foreign creditors had been paid in gold. Governor Seymour, by a special message to the Legislature, April 22, 1864, and by an appeal also to capitalists, bankers and merchants, succeeded in securing continuance of payment of foreign creditors of the State in gold coin.

In the autumn of 1864 the Democrats renominated Governor Seymour and Lieutenant-Governor Jones, and the Republicans Reuben E. Fenton and Thomas G. Alvord for Governor and Lieutenant-Governor. The impending presidential election gave occasion to demonstrations of alarm, precaution and military interference, which disturbed the relations of Governor Seymour's administration with that of President Lincoln. On October 28th, General John A. Dix, in com-

mand of the Department of the East, issued an order with reference to possible operations either of fraud at the polls or of armed violence by sympathizers with the Confederates, either resident in the North or coming over the border from Canada. Both General Dix and Governor Seymour issued orders of precaution against military interference with voters.

On November 4, General B. F. Butler, coming from Fortress Monroe, took command in New York City and on Monday before the election about 7,000 United States troops arrived at Fort Hamilton and Governor's Island. These troops were put upon steamers and remained within call on Tuesday, election day, and on Wednesday and Thursday. A special trouble arose from the arrest of State agents at Baltimore, October 27th, and at the same time of Colonel Samuel North and other persons at Washington under the charge of fraud in connection with the taking of soldiers' votes. The two Baltimore agents, one of whom entered a plea of guilty and the other, who was convicted, were sentenced to imprisonment for a term of years. Governor Seymour, on October 30th, sent a commission to Washington to intercede on behalf of Colonel North and for the privilege of soldiers from the State of New York to vote. The failure of the commission to obtain satisfaction was followed by the trial of Colonel North, protracted through several weeks of imprisonment and his acquittal and discharge.

The State election showed a total vote of 730,821 of which Fenton received 369,557 and Seymour 361,264. For members of Congress the Democrats secured 12 and the Republicans 20.

The presidential election was variously complicated by differences of opinion in regard to the conduct of the war. Secretary Chase refused as early as March 15th to be a candidate against Mr. Lincoln. Senator Pomeroy of Kansas had scattered through the country, in February, a circular signed by himself as "Chairman of the National Executive Committee," suggesting the elevation of Secretary Chase to the Presidency, in the interest of a war policy more destructive and proscriptive than that of Mr. Lincoln. In the United States Senate, March 11th, Senator Pomeroy explained in regard to the committee which he represented that the organization contemplated an effort to make Secretary Chase the Republican presidential candidate. The

Legislature of Mr. Chase's State declared for Mr. Lincoln and the circumstances left Chase no choice but to refuse to run against the President. The Republican Convention had been called for June 7th, and a strongly supported movement to secure postponement to September was made by New York Republicans on the anxious seat of doubt as to the candidacy of Mr. Lincoln. The appeal of this movement came out March 25th, with the name of William C. Bryant first on the list of its supporters.

On May 16th, B. Gratz Brown and others under the style of "People's Provisional Committee," issued a call for a mass convention at Cleveland, May 31st, of opponents of a second term for Lincoln. Another call, to the same effect, and signed by Lucius Robinson, John Cochrane and others, appeared shortly after in New York; and to this prominent Abolitionists added a third call in the interest of the proposed convention, and in hope of "immediate extinction of slavery throughout the whole United States, by Congressional action, the absolute equality of all men before the law, without regard to race or color, and such a plan of reconstruction as shall conform to the policy of freedom for all, placing the political power in the hands of the loyal alone, and executing with vigor the law for the confiscation of the property of rebels." The proposed convention brought into a mass meeting some five hundred persons, zealous for the suppression of Lincoln, for a more extreme prosecution of all rebels in both person and estate and for complete negro equality. John C. Frémont was nominated for President and John Cochrane, Attorney-General of New York, for Vice-President. Frémont put forth a letter of acceptance and of complaint of Lincoln, in which he said: "Had Mr. Lincoln remained faithful to the principles he was elected to defend, no schism could have been created and no contest would have been possible."

"The ordinary rights secured under the Constitution and laws of the country have been violated and extraordinary powers have been usurped by the Executive."

"If Mr. Lincoln is nominated, as I believe, it would be fatal to the country to endorse a policy and renew a power which has cost us thousands of men and needlessly put the country on the road to bankruptcy, there will remain no other alternative but to organize against him every

element of conscientious opposition with a view to prevent the misfortune of his re-election. In this contingency I accept the nomination at Cleveland, and as a preliminary step I have resigned my commission in the army."

The call for the Baltimore Republican Convention had been issued February 22d, Edwin D. Morgan, of New York, being chairman of the National Committee. On the meeting of the convention, June 7th, Mr. Lincoln was nominated by 492 votes against 22 for General Grant. Andrew Johnson, of Tennessee, was nominated for Vice-President.

The Democratic National Convention, called January 12th, to meet at Chicago, July 4, 1864, was organized with Horatio Seymour as chairman. Major-General George B. McClellan was nominated for President and George H. Pendleton for Vice-President. The resolutions of the convention condemned in the strongest possible terms the conduct and the results of the war, and demanded "a cessation of hostilities with a view to an ultimate convention of States or other peaceable means, to the end that at the earliest practicable moment peace may be restored on the basis of the Federal Union of the States." To this General McClellan responded by saying:

"So soon as it is clear, or even probable, that our present adversaries are ready for peace upon the basis of the Union, we should exhaust all the resources of statesmanship practiced by civilized nations and taught by the traditions of the American people, consistent with the honor and interests of the country to secure such peace, re-establish the Union and guarantee for the future the constitutional rights of every State."

The campaign was one of hot discussion and immense zeal for the differing aims of the opposing parties. The Democrats were put upon the defensive under the charge that their proposals might be found to mean peace without restoration of the Union, and the Republicans were indicted for conducting the war, not so much to restore the Union as to destroy slavery.

Mr. Seward met the latter charge by saying in a speech at Auburn, September 3d: "When the insurgents shall have disbanded their armies and laid down their arms, the war will instantly cease; and all the war measures then existing, including those which affect slavery,

will cease also; and all the moral, economic and political questions affecting slavery, as others, which shall then be existing, between individuals and States, and the Federal Government will, by force of the Constitution, pass over to the arbitrament of the courts of law and to the councils of legislation."

The day before Mr. Seward thus spoke there had been announced victories of the Union arms of Sherman at Atlanta and Farragut at Mobile, which produced great popular effect, and among other results, General Frémont withdrew from the contest. On September 17th, he said in an announcement of his withdrawal from the field as a candidate: "The presidential question has, in effect, been entered upon in such a way that the union of the Republican Party has become a paramount necessity. The policy of the Democratic Party signifies either separation or re-establishment with slavery. The Chicago Platform is simply separation. General McClellan's letter of acceptance is re-establishment with slavery. I believe I am consistent with my antecedents and my principles in withdrawing, not to aid in the triumph of Mr. Lincoln, but to do my part toward preventing the election of the Democratic candidate. In respect to Mr. Lincoln I continue to hold exactly the sentiments contained in my letter of acceptance. I consider that his administration has been politically a failure, and that its necessary continuance is a cause of regret for the country."

In the election, held November 8th, McClellan electors were chosen in Delaware, Kentucky and New Jersey and Lincoln electors in all the remaining States. The popular vote for Lincoln was 2,203,831 and that for McClellan 1,797,019. In New York, Lincoln received 368,735 votes and McClellan 361,986. Out of a total electoral vote of 233, Lincoln received 212 and McClellan 21.

CHAPTER XXIII.

Reconstruction Measures and Amendments—Assassination of Lincoln—Political Conventions—Election of John T. Hoffman—The Stanton Episode—Admission of Negro-Equality States—Election of Grant—Re-election of Hoffman—The Tweed Ring—Re-election of Grant—Election of John A. Dix—Bills Passed in 1873—Amendments Added to State Constitution.

THE dawn of the year 1865, preceded by a new levy of troops in December, witnessed extraordinary energy throughout the North to make up the quota of cities, towns, and counties, and in the field Union armies to press the exhausted and yielding enemy. In Congress a like burst of zeal for securing the results of the war by laws of fundamental application made an epoch of great significance. The anti-slavery amendment to the Constitution, which had failed in the House at the previous session of Congress, was reconsidered by that body immediately after it convened in November, and passed in January, 1865. In an address of January 31st, President Lincoln announced that the necessary action on the part of the States had been initiated by Illinois, with Maryland a close second.

In a conference of Alexander H. Stephens, R. M. T. Hunter and John A. Campbell, with President Lincoln and Secretary of State Seward, February 3d, the representatives of the Confederate States were informed that the only terms on which peace would be made were unconditional submission with entire acceptance of the recent legislation extinguishing slavery throughout all the States.

Reporting these facts at Richmond to the Confederate authorities occasioned an outburst of desperation, the outcome of which was a law to enlist slaves as soldiers with promise of emancipation, and the appointment of General Lee to the command of all the Confederate armies.



It meant, however, for the course of events, the surrender of the Army of Northern Virginia to General Grant, April 9th, and the speedy collapse of the whole Confederate States' organization, armies, Congress, and councils, and the setting in motion of reconstruction proceedings.

The death on the morning of April 15th of President Lincoln, shot by an assassin, brought these proceedings under the administration of Andrew Johnson, who succeeded to a task upon which history cannot but regret that the great powers and rare spirit of President Lincoln could not have been employed.

The Democratic State Convention for 1865 was held at Albany, September 6th and 7th, and a ticket for State officers was nominated, with General H. W. Slocum as candidate for Secretary of State. The resolutions adopted pledged to President Johnson the most hearty support in reconstruction proceedings—far more liberal than those favored by the Republican leaders.

The Republican Convention nominated for the same office General Barlow, one of the most popular soldiers of the Civil War. The election, November 7th, gave Barlow 300,254 and Slocum 272,793. The Legislature elected was composed of 27 Republicans and 5 Democrats in the Senate, and 89 Republicans to 30 Democrats in the Assembly.

The Democratic State Convention, held at Albany, September 11, 1866, nominated John T. Hoffman for Governor and J. V. L. Pruyn for Lieutenant-Governor. Resolutions were adopted affirming the complete restoration of the people of the South to all their rights and privileges as citizens of the Union, and strongly deprecating centralization of power in the State.

The Republicans renominated Reuben E. Fenton for Governor and Thomas G. Alvord for Lieutenant-Governor. The resolutions adopted especially urged a pending amendment to the Constitution as "essential to engraft upon the organic law the legitimate results of the war." At the election in November, Fenton received 366,315 votes, and Hoffman 352,526. The State Constitution of 1846 provided that the question of a constitutional convention be submitted to vote of the people at the several elections every twenty years, and in compliance with this a vote now taken counted 352,854 for a convention and 256,364 against.

The convention met June 4, 1867, and after a three months' session

adjourned to November 12th, and continued its sessions for several weeks in the year 1868.

At the Democratic Convention, which met at Albany, October 3d, ex-Governor Seymour, upon taking the chair, made an address deprecating the continued exclusion of the Southern States from the practical benefits of the Union. The third resolution adopted said: "We denounce the effort of the Radical Party to retain the power it has usurped by establishing negro supremacy in the South by military force, coupled with the disfranchisement of the mass of the white population, as an outrage upon democratic principles, and an attempt to undermine and destroy the Republic; and that we stigmatize the refusal of that party in this State to submit the question of negro suffrage to the people as a cowardly evasion of a paramount issue in the pending struggle."

The convention nominated for Secretary of State, Homer A. Nelson; for Comptroller, William F. Allen; for Treasurer, Wheeler H. Bristol; for Attorney-General, Marshall B. Champlain; for Canal Commissioner, John D. Fay; for State Engineer, Van Rensselaer Richmond; for Prison Inspector, Solomon Scheu; and for Judge of the Court of Appeals, Martin Grover. The Republican convention had nominated a ticket containing the names of General McKean, Thomas Hillhouse, General T. B. Gates, Joshua M. Van Cott, A. C. Powell, John M. Hammond, Gilbert De La Matyr, and Charles Mason. Hon. Roscoe Conkling, on taking the chair of the convention, had made a speech of some length condemning the course of President Johnson on the great national question of admitting the Southern States to a participation in the general government of the country, and the platform had "unhesitatingly declared that suffrage was a right not limited by property or color."

The election, thus turning upon treatment of the South and negro suffrage, resulted in the success of the entire Democratic ticket. The legislators elected were 15 Democrats in the Senate to 16 Republicans and 1 Independent, and in the Assembly 73 Democrats and 55 Republicans.

The question of reconstruction of the Union, thus pronounced upon in the New York State election, was the subject of a bitter struggle be-



tween President Johnson and the Republicans in Congress. The restoration of the Southern States to all the rights and privileges of States as co-equal members of the Union, had received the approval of the executive and judicial branches of the Government at an early period after the cessation of hostilities in 1865. Congress, however, not only withheld its assent, but during its session in June, 1866, had required, as a condition precedent to such recognition, the adoption of an amendment to the Federal Constitution, known as Article 14. This amendment made all persons, born or naturalized within the United States, citizens of the United States and of the State in which they resided. It required that the privileges and immunities of citizens of the United States should not be abridged by the law of any State; thus removing all distinctions of color, race, intelligence and property, in the enjoyment of any State, as well as of national citizenship.

The question really involved in this amendment was, the admission to citizenship and the ballot of the negroes in the Southern States. It was the opinion then existing that the authority to determine this question resided in the States severally, and nowhere else. The amendment was submitted to the States in June, 1866, and up to March 2, 1867, when Congress adopted other measures, 19 States had ratified the amendment and 12 had rejected it. In the course of a month Massachusetts ratified and Maryland rejected.

The action of Congress during the larger part of the session of 1866-67, was confined to the passage of acts requiring the elective franchise to be granted to all persons in the Territories, without regard to color, upon the admission of such Territories as States in the Union, and in the extension of the franchise in the District of Columbia. In every case of these acts to confer suffrage upon all negroes, President Johnson interposed his veto, but without effect, as Congress passed the rejected bills by the requisite two-thirds vote over the veto.

The unquestioned principle in regard to the States had been that in the several States Congress could not interfere with the freedom of the State to fix the conditions of State citizenship. And in view of this bar to making the negroes in all the States of the South voters, Congress underook the establishment of unqualified military despotism, escape from subjection to which was conditioned upon the organization

of State government in any State on the basis of complete acceptance of negro suffrage. The bill to create this military domination was passed over the veto of President Johnson. And then a supplementary bill required that in each State negro equality proceedings should be carried through, to get into shape nominal negro equality States, that such States with negro-equality Senators and Representatives might be admitted as genuine States of the Union while the real States, their people and interests remained under the heel of military Federalism.

A "Union Republican Congressional Committee" followed up these proceedings with an address to the Southern people on "The Policy of Congress in reference to the Reconstruction of the Union," in the front of which was this boldly partisan statement: "The negroes of the South, by the measures of the Republican Party, as expressed in the Acts of Congress of the 2d of March and the 23d of March, 1867, are elevated to the full and equal rights of the citizens of the States to which they belong. The negro race is indebted to the country, controlled in its policy by the Republican Party, for the emancipation of the race from slavery, and now by these Acts of Congress for its elevation to a position of equality. The nation will at once, and freely, concede to the colored race every political and public right that is enjoyed by any class of citizens; and the negroes, on their side, cannot hesitate to support the party and principles by whose labors and influence their redemption has been accomplished."

The States of Mississippi and Georgia sought to secure from the Supreme Court relief from the monstrous outrage of these negro-equality proceedings, but got from Chief Justice Chase only refusal of leave to file a bill.

In order to secure suffrage, without regard to race or color, through all the States of the Union, a bill for that purpose was presented in the Senate, during the last session of the Thirty-ninth Congress, by Senator Sumner, of Massachusetts. No progress was made in the passage of the bill during that session.

On September 12th a "Border State" convention was held at Baltimore, the object of which was, in the language of the call, "to advance the cause of manhood suffrage, and to demand of Congress the passage of the Sumner-Wilson bill." Sumner said in a letter to this conven-

tion: "The idea is intolerable, that any State, under any pretension of State rights, can set up a *political oligarchy* within its borders, then call itself a Republican government." Senator Wilson wrote: "I suggest that your convention declare for suffrage either by law or constitutional amendment. We can carry the amendment if we cannot the law. At the last session I offered an amendment on the 17th of July, allowing all, without distinction of color, to vote and hold office, making no distinction in rights or privileges. Some of our strongest men doubt our power to pass a law. If we cannot do it, let us set about amending the Constitution."

The hold-over Secretary of War, E. M. Stanton, was one of the extremist zealots of negro-equality reconstruction, and August 12, 1867, President Johnson suspended him from his office, and made General Grant Secretary of War *ad interim*. An elaborate explanation of his reasons for this proceeding the President sent to the Senate December 12, 1867.

On August 20, 1867, President Johnson issued his proclamation, declaring that the insurrection which heretofore existed in the State of Texas was at an end, and that peace, order, tranquillity, and civil authority existed throughout the whole United States. On September 3d the President issued another proclamation, declaring the supremacy of the Constitution and the laws, with directions to all subordinates to have strict regard to this. And again, September 7th, in another proclamation, the announcement was made of amnesty, relieving nearly all the whites of the Southern States of any liability to confiscation of their property, and restoring them to the same right of suffrage which they had before the war, so far as could be effected by the action of the Federal Government.

On December 7, 1867, a resolution to impeach President Johnson was proposed in the House of Representatives, but failed to pass. On January 13, 1868, the Senate refused to approve of the suspension of Secretary Stanton, and on February 1st the President removed Stanton, and appointed General Lorenzo Thomas *ad interim* Secretary. This the Senate pronounced illegal, and on February 24th, the House of Representatives voted by 124 to 42 to impeach the President. Proceedings of impeachment begun March 5th before the Senate were

abandoned May 26th, from the impossibility of getting a two-thirds vote sustaining any of the articles.

The Republican National Convention assembled at Chicago May 21st, nominated General Grant and Schuyler Colfax for President and Vice-President. On June 22d a negro-equality Arkansas was admitted to representation by Congress over the President's veto, and on June 25th there was a similar admission of the negro-equality States of North Carolina, South Carolina, Louisiana, Georgia, Alabama, and Florida—the creations of Republican military despotism approved by the authors of the despotism against the veto of President Johnson.

On July 4, 1868, the President issued a proclamation of amnesty and pardon of all late rebels not under presentment or indictment.

The National Democratic Convention of 1868 met at Tammany Hall, which had then but recently been completed on its present site, on July 9th of that year. Many of the prominent Southern leaders were there and they were not only more ardent in their utterances than their Northern brethren, but they were more aggressive. Salmon P. Chase had been prominently mentioned as the Democratic candidate for President, but he would not suit the Southern delegates. He had declared for universal suffrage. The convention rang with the cries of "Down with military usurpation!" "The same money for bondholder and plowholder!" A plank appeared in the Democratic platform and was accredited to Wade Hampton, declaring that "we regard the Reconstruction Acts of Congress as unconstitutional, revolutionary and void." This pointed the way to the nomination for President of a Southern general or a Northern man of like views. Then Horatio Seymour's name began to be spoken. His peace proclivities were interpreted as sympathy for the South and although he did not desire the nomination he was nominated. For Vice-President, General Francis P. Blair, of Missouri, was named, and there the convention made a grave error. Blair was the Southern representative and should have carried the solid South. Had he been able to do this Seymour would have been elected. Moreover Blair seemed to consider Hampton's plank the whole platform and so estranged Northern voters.

The campaign was bitter. The benign Seymour was represented as Satyr, demon, Satan, in cartoon and pamphlet. At first he did not



JOHN THOMPSON.

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take the stump, but Blair was making so many votes for the Republicans that he at last went into the campaign actively. He carried New York, but received only 80 electoral votes to Grant's 214.

The negro-equality State of Georgia having ratified "the fourteenth amendment," July 21, 1868, it was proclaimed by the President as an article of the Constitution, July 27, 1868.

The Democratic State convention, which met at Albany September 2, 1868, nominated for Governor John T. Hoffman, at that time Mayor of the city of New York; for Lieutenant-Governor, Allen C. Beach; for Canal Commissioner, Oliver Bascom; for Inspector of Prisons, David B. McNeil; and for Clerk of the Court of Appeals, E. O. Perrin. The Republicans nominated a ticket, July 8, at Syracuse, headed by John A. Griswold for Governor and Alonzo B. Cornell for Lieutenant-Governor.

In the election of November 3d, Grant and Colfax were chosen President and Vice-President, by the votes of 26 States and a popular vote of 3,015,071, while Seymour and Blair carried 12 States, and had a popular vote of 2,709,613.

The election gave Hoffman 439,301 to 411,455 for Griswold. For presidential electors the Seymour ticket had 429,883 votes and the Grant ticket 419,883. For members of Congress 13 Democrats were chosen to 18 Republicans. The State Legislature counted 15 Democrats in the Senate to 17 Republicans, with 52 Democrats in the House and 76 Republicans.

On the 25th of December President Johnson proclaimed unconditional pardon and amnesty to all concerned in the insurrection of the Confederate States.

On February 27, 1869, the fifteenth amendment to the Constitution of the United States, prohibiting restriction of suffrage because of race, color, or previous condition of servitude, was proposed by resolution of Congress, and transmitted to the Department of State. This amendment was submitted to the New York Legislature for approval, and, having been made the special order for March 17, 1869, it was passed April 14th by a strict party vote, 17 to 15 in the Senate and 72 to 47 in the House.

The Democratic convention, which assembled at Syracuse, Septem-

ber 22d, resolved, "That the fifteenth amendment of the Federal Constitution, proposed by the radical majority in Congress in a spirit of contempt of the people, and the right of the States to regulate the elective franchise, and in utter disregard of the pledges of the party, and attempted to be forced upon the States as a condition to their restoration to civil government and to their representation in the National Legislature, is intended to place the question of suffrage in the hands of the central powers and by debasing to demoralize the representative system."

The convention put in nomination the following Democratic ticket: Homer A. Nelson for Secretary of State; William F. Allen for Comptroller; Wheeler H. Bristol for Treasurer; Marshall B. Champlain for Attorney-General; Van Rensselaer Richmond for State Engineer; W. W. Wright for Canal Commissioner; Fordyce Laflin for Prison Inspector; John A. Lott and Robert Earl for Judges of the Court of Appeals. The Republican ticket was headed by General Franz Siegel for Secretary of State and Horace Greeley for Comptroller. One of the issues of the State election was the question of adoption of the new Constitution, framed by the convention of 1867-68. A separate vote was to be taken on each of the questions of suffrage for negroes without the restrictions of the existing Constitution, of taxation, and of the judiciary.

The election, November 2, 1869, resulted in the choice of the entire Democratic ticket, and the rejection of all the revised Constitution, except the judiciary article. The negro suffrage proposition was voted down by 282,403 votes against it to 249,802 for it. Nelson over Siegel had a majority of 20,241. The Legislature stood 18 Democrats and 14 Republicans in the Senate, and 72 Democrats to 56 Republicans in the Assembly.

One of the first acts of the Legislature on its assembling in January, 1870, was a resolution withdrawing the assent of the State to the fifteenth (negro-equality) amendment to the Constitution of the United States. Under the provisions of the new judiciary article of the Constitution, an election was held on the 17th of May for a Chief Justice and six associate justices of the Court of Appeals, each party being allowed to put only four candidates for associate justices in nomina-

tion. The nominations on the Republican ticket were: For Chief Justice, Henry R. Selden; and for associates, Charles J. Folger, Charles Andrews, Charles Mason and Robert S. Hale. The Democrats nominated Sanford E. Church for Chief Justice, and for associates, William F. Allen, Martin Grover, Rufus W. Peckham and Charles A. Rapallo. The election resulted in the choice of all the Democratic candidates, and Folger and Andrews of the Republican nominees. The vote for Chief Justice was, Church 239,685 to 151,788 for Selden.

The regular Democratic convention for the nomination of State officers was held at Rochester on the 21st of September, 1870, and John T. Hoffman was renominated for Governor; Allen C. Beach for Lieutenant-Governor; Asher P. Nichols for Comptroller; John D. Furey and George W. Chapman for Canal Commissioners; and Solomon Scheu for Prison Inspector. The Republicans named to head their ticket, Stewart L. Woodford and Sigismund Kauffmann. The election, November 8th, resulted in the success of the entire Democratic ticket, with Hoffman's majority over Woodford 33,096. Of 31 members of Congress elected, 16 were Democrats and 15 Republicans. The Legislature counted 17 Democrats and 14 Republicans in the Senate, and 65 Democrats to 63 Republicans in the Assembly.

John Thompson Hoffman was born at Sing Sing, N. Y., January 10, 1828. His grandfather, Philip Livingston Hoffman, was a lawyer and a resident of Columbia County. His father, Adrian Kissam Hoffman, was a celebrated physician of Westchester County. He married the daughter of Dr. John Thompson, of Saratoga County, and Governor Hoffman was named after his maternal grandfather.

At the age of fifteen, John T. Hoffman entered Union College and was graduated with honors in the class of 1846. His oration on that occasion was considered unusually brilliant.

While he was yet a student he exhibited a clearness of foresight and soundness of judgment which indicated his future capacity for public affairs.

After leaving college he took up the study of law in his native village.

His political career began when he was twenty-one years of age. In 1848 he was elected a member of the State Central Democratic Com-

mittee by the convention of Hunker or Hardshell Democrats. That was the year in which Martin Van Buren's candidacy for the Presidency on the Free-Soil ticket divided the Democracy of New York, causing bitter feeling between his supporters and those of Lewis Cass and throwing the election to the Whigs. Although too young to vote, Hoffman took the stump for Cass and Walworth and achieved a high reputation as a political speaker.

He was admitted to the Bar, January 10, 1849, his twenty-first birthday. In October of the same year he removed to New York and formed a law partnership with Samuel M. Woodruff and Judge William H. Leonard. For the next ten years he devoted himself closely to the practice of his profession and was so successful that in 1859 many prominent citizens of New York desired to see him made United States District Attorney. President Buchanan, however, objected on account of his youth and Judge Roosevelt, a prominent Democratic lawyer of New York City, received the appointment.

In 1860 John T. Hoffman was elected Recorder of the city of New York and he filled the office with great credit to himself and to Tammany Hall, which elected him. Along with high legal attainments he was gifted with a rare sense of justice tempered with mercy, so that he made an ideal judge. Many of the rioters of July, 1863, were tried before him and his course throughout that deplorable affair added to the number of his friends. In 1863 he was nominated for re-election. Tammany and Mozart united on him and the newspapers, regardless of party, endorsed him, so that he was elected for the second time by a nearly unanimous vote.

On November 21, 1865, Hoffman was nominated for the office of Mayor of the city of New York by Tammany Hall. The Mozart organization and the Citizens' Association put forward John Hecker, who was supported by the New York *Tribune*. C. Godfrey Gunther, who was then Mayor, announced himself as a candidate for re-election and was supported by the McKeon Democracy. With so many Democratic candidates in the field, the Republicans believed they saw a chance for success and nominated Marshall O. Roberts for their candidate.

Hoffman was elected and took his seat as Mayor, January 1, 1866.

This put him in line for the nomination by the Democratic Party for the office of Governor.

In that year the Democratic Party began to cast about for the strongest possible man to head the State ticket. The party was dispirited by successive defeats and the Republicans, being in office, had a strong hold upon the patronage of the State. When the convention met at Albany, September 11, 1866, such men as Sanford E. Church, Henry C. Murphy, William F. Allen, Henry W. Slocum, William Kelly and John A. Dix were respectfully considered and passed over for John T. Hoffman as candidate for Governor.

After his nomination he made a tour of the State, speaking in all the large cities, winning golden opinions everywhere, and solidifying the Democratic Party. About that time Grant and Johnson made their celebrated tour, the result of which was to aid in solidifying the ranks of Democracy. The Republicans, however, carried the election, but after the returns were in, the Democrats awoke to the knowledge that had they put forth more earnest effort, Hoffman would have defeated Fenton.

In the fall of 1867 Hoffman was renominated for Mayor of New York and was re-elected.

On August 13, 1868, the Democratic State Committee met at Utica for consultation and agreed that Mayor Hoffman would be the Democratic candidate that year for Governor. The Democratic State Convention met in September and he was regularly nominated. Horatio Seymour was the Democratic candidate for President the same year.

The Republicans nominated John A. Griswold as their candidate for Governor and sought to make capital out of the fact that he was heralded as the builder of the first "Monitor."

At the election on November 2, Hoffman carried the State by a majority of 27,946. There was a cry of fraud after the election, but once Governor Hoffman entered upon his duties his bitterest enemies became his friends and even Republican newspapers commended his course, especially regarding his numerous vetoes which were aimed at special legislation.

It was during Hoffman's second term as Governor that the infamous Tweed ring was broken up. Although that matter was an af-

fair relating distinctly to New York City, it had an influence not only throughout the State, but also throughout the nation. Hoffman had been the Tammany Mayor of New York before his election as Governor, and, when he was the second time elected to the gubernatorial chair, he became Tammany's candidate for President. There was, however, another and greater Democrat who had presidential aspirations; who had already achieved high fame as a lawyer and was widely known as a public man, and who was destined, through his prosecution of the Tweed ring, to become the Democratic apostle of reform. This was Samuel J. Tilden. Governor Hoffman's name was never in any way smirched by the operations of the ring, and it is not the province of this work to go into a detailed account of the means by which the ring plundered New York City. But as it was instrumental in turning the eyes of the State towards Samuel J. Tilden as the great champion of reform, and as the operations of the ring were made possible through bad legislation and corruption at Albany, a brief account is proper.

Bigelow, in his "Life of Tilden," says:

"In the year 1857 the Legislature of the State of New York was beguiled into imposing upon the city of New York a charter which provided that but six persons should be voted for as supervisors by each elector and twelve chosen. In other words, that the nominees of both the Republican and Democratic Party caucuses should be elected. At the succeeding session of the Legislature their terms of office were extended from four to six years. This gave a Board of Supervisors consisting of six Republicans and six Democrats, to change a majority of which it was necessary to have the control of the primary meetings of both of the great national and State parties for four years in succession, a series of coincidences which rarely happens in a generation. The individual man has little enough chance of converting a minority into a majority when allowed a choice between two opposing parties. This scheme deprived him of that little chance and left the public entirely at the mercy of the managers of the primaries, by withdrawing from the latter all local restraints.

"The result of such a political solecism responded promptly to the intention of those who devised it, in a combination between these twelve supervisors and the members of easy virtue in the Legislature, which

rapidly developed into the most powerful, reckless and rapacious organization of which American politics had had any experience. It embraced just enough influential men in the organization of each party to control the action of both; men who in public pushed to extremes the abstract ideas of their respective parties, while secretly they joined hands in common schemes for personal power and profit. It soon acquired the control of all legislation affecting the city, multiplied offices to be filled by its dependents, took possession of the city judiciary, and in time managed to hold the balance of power in the conventions and other political organizations of both parties. Intoxicated by their success and encouraged by the patience with which the people had submitted to their depredations, they induced the Legislature in 1870 to so enlarge their power as practically to place the power and wealth of the city at the mercy of a man who had been a contractor under the city government, William M. Tweed.

"It has been publicly stated by Mr. Tilden—and the statement has never been discredited—that one million of dollars stolen from the taxpayers of New York were taken to Albany to secure the passage of this charter, and a prominent judge of the Supreme Court—a Republican in politics—has been given as authority for the statement that six of the leading Senators of his own party received \$10,000 each for voting for this charter, and \$10,000 more for their votes in favor of other bills in the same interest during that and the following year. By this charter the city government was confided to several commissioners who were respectively heads of departments, each entirely independent of the other, could only be removed by impeachment, and were accountable to no one. It also provided that all claims should be audited by three persons: the Commissioner of Public Works, the Mayor, and Comptroller."

The exposure of the Tweed ring was first made in the columns of the *New York Times* and that paper kept up a continual and tremendous assault upon the ring until Tweed and all his associates were in prison. In 1871 the Sheriff of New York was James O'Brien, a Tammany man, and a close friend of Tilden.

O'Brien had a bill against the city which he could not collect, and, having learned, through a clerk, of some of the gross irregularities

which were going on, he threatened to hand his evidence of corruption to the New York *Times* unless his bill was paid. Tweed, believing himself to be invulnerable, paid no attention to him, with the result that after some time O'Brien actually did place his information in the hands of the *Times*. Tweed was at that time in the zenith of his fame, and was so popular that prominent citizens of New York were talking of erecting a monument to his memory even before his death, and when the *Times'* exposure appeared prominent papers like the *Sun* and the *Herald* would not give credence to the astounding revelations against the man who was looked upon as a great benefactor.

A. Oakey Hall was at that time Mayor of New York and was one of Tweed's confederates, as were Richard B. Connolly, Comptroller, and Peter B. Sweeney, Commissioner of Public Works. It seemed for a time as if the public would not be able to do anything against the ring, so strongly was it intrenched, and Mayor Hall said: "It will all blow over. Next year we shall be in Washington." This remark about Washington referred to Tammany Hall's hope of being able to place Hoffman in the presidential chair. It has been asserted that this probably had no little influence in enlisting the services of Samuel J. Tilden as one of the leading attorneys in the prosecution of the ring. No one will deny that Tilden may have had presidential ambitions. He was entitled to them if ever man was, but his clean record as a public man indicates that he was ready to assail even those of his own political party rather than permit corruptionists to gain control of the State or nation. He was not one of those who would sacrifice the public welfare for self-aggrandizement. His attitude when robbed of the Presidency puts that question beyond dispute. He must have been a prophet if he foresaw that his efforts, as a lawyer, in the cause of reform would bring him the Governorship and afterwards the nomination for President. At all events, Tilden's successful prosecution of Tweed and his associates placed him in line for the next nomination of the Democratic Party for Governor of the State and spread his name over all the Union as a most uncompromising reformer. To that fame he added during his term as Governor of the State from 1874 to 1876.

The fifteenth amendment to the Federal Constitution was ratified by the necessary number of States—twenty-nine—early in 1870. On

March 30th President Grant, in a special message, reported the votes to Congress and announced the result. He was himself among the zealots for negro equality as a result of the war. Congress at once passed a bill to secure to male negroes in every State equality of suffrage with the whites.

The Democratic convention of 1871 put in nomination, October 4th, at Rochester, the following ticket: D. Willers, Jr., for Secretary of State; Asher P. Nichols for Comptroller; Marshall B. Champlain for Attorney-General; Wheeler H. Bristol for Treasurer; Van Rensselaer Richmond for State Engineer; George W. Chapman for Canal Commissioner; and David B. McNeil for Prison Inspector. The Republicans nominated a ticket headed by G. Hilton Scribner, and Nelson K. Hopkins. The election, November 7th, resulted in the election of all the Republican candidates with a majority for Scribner over Willers of 18,907. The Legislature for 1872 stood 24 Republicans and 8 Democrats in the Senate, and 97 Republicans to 31 Democrats in the Assembly.

THE LIBERAL REPUBLICAN PARTY.

ONE of the most short-lived, but at the same time one of the most promising, and apparently one of the most formidable, political movements since the great Civil War was that of the Liberal Republican Party, in 1872. It had its inception in 1870, but its appearance was merely sporadic until the campaign of 1872 approached.

There was a great and deep-seated dissatisfaction with the administration of President Grant, which began March, 1869. Before the war Grant had been a Democrat. He had voted for Buchanan for President, in 1856, and in 1860 he had supported Douglas. When the time for the presidential election of 1868 drew near there was clearly a very strong and widespread sentiment in favor of elevating the great commander of the Union army to the Presidency, the supreme reward and recognition which a free people could grant for his superlative services to his country.

The Republican organization was held firmly in the grasp of the Radicals. Their strongest and most influential leader was Thaddeus Stevens, a member of Congress from Pennsylvania, an able man, but a strong and bitter partisan, a sort of American Jacobin in sentiment, relentless, uncompromising and always driving the party headlong into extreme measures. Among these was the impeachment of President Johnson, which resulted only in his acquittal by the Senate, through the votes of a number of Republicans acting with the Democrats. This and other measures of an extreme partisan character had effectually eliminated all the great Radical leaders as presidential possibilities, and the party was forced to look for a candidate who would appeal to the conservative element of the country. The people were tired of the riot of extravagance and turbulence which had succeeded the period of the settlement of the war issues by the Fourteenth Amendment to the Federal Constitution.

The practical politicians of the Republican organization, therefore, turned eagerly to General Grant as the only man who seemed able to deliver them from the troubles in which they had involved their party.

At the same time, the Democrats were looking in the same direction. In fact there developed a remarkable situation in American politics, a situation without any parallel since the "Era of Good Feeling" which had brought about the unanimous re-election of President Monroe, in 1820. Each of the great political parties was anxious to have the same nominee for President, and it was a generally accepted fact that he would accept a nomination from either party. He was not actively opposed by anybody except the irreconcilable Republican extremists of the Wendell Phillips type, and that brilliant orator made a so-called lecture tour of the country, the burden of his lecture being that, from the Radical standpoint, Grant would be an unsafe President.

The practical Republican politicians, however, carried the day. They forestalled any possible Democratic appropriation of Grant and his prestige by calling an early convention and giving him a unanimous nomination. He accepted, and was elected, but at the beginning of his administration he seemed likely to disappoint the eager Republican anticipations concerning his policy. He was slow and cautious in his removal of Democrats from Federal offices and seemed disposed to follow a conservative course.

Grant, however, was no politician. His experience in public affairs had been that of a soldier, and he had little sympathy or patience with the political proscription which the Republican leaders wished him to proclaim. They were, however, insistent and persistent, and he finally surrendered, and allowed his official actions to be practically controlled by them, the leading spirits being Senator Conkling, of New York, and Senator Oliver P. Morton, of Indiana.

The result proved very unsatisfactory to a large and influential body of the best element in the Republican organization. Discontent took the place of the unanimity and enthusiasm which had greeted the great military hero, and a very strong Republican opposition began to manifest itself before his administration was many months old. This opposition grew and was intensified because of the popular dislike of certain favorites of the President who were deemed to have been given power and prominence far beyond their capacity or their deserts, but to whom the President clung with all his well-known and characteristic

tenacity. He not only retained them in office, every one, but he generally made their cause his own, and when they were attacked, as many, if not most, of them deserved to be, he took it as a personal affront to himself and visited his displeasure upon their assailants. It is doubtful whether any other President ever suffered as much in this way as did General Grant.

Before his term was half expired he had alienated many of the ablest, best, most patriotic and most unselfish leaders in the Republican party. As an illustration of this truth the case of Charles Sumner furnished a conspicuous example. For some reason, Grant became earnestly in favor of a project to annex the island of Hayti, or San Domingo. There was a prevalent impression that he was being used by a ring of speculators and jobbers to further their personal schemes for profit and plunder. Indeed, this charge was openly asserted. Senator Sumner was strongly opposed to this whole enterprise. His opposition was, however, based principally upon his announced repugnance to seeing this "Black Republic" blotted out. But his reasons made no difference. He had dared to attack a scheme which Grant and all his pets were anxious to put through. The decree went forth, therefore, that he must be punished for his temerity. He was, however, a man without any schemes that could be defeated, his personal character was unassailable, he was one of the heroes among the Anti-Slavery veterans, a brave, clean, pure and patriotic man and known to be such by the entire country. But he was a proud, sensitive man, so it was determined to humiliate him by removing him from the position of Chairman of the Committee of Foreign Affairs, in the Senate, a place he had filled with great honor ever since the secession of the Southern Senators had given the Republicans a majority in that body. This high-handed outrage was resented, not only by Senator Sumner himself, but also by great numbers of the staunchest Republicans, especially the veterans who had been devoted to the party from the time of its organization.

The roll of distinguished Republicans who became hostile to the Grant régime was a long one. It embraced such leaders as Charles Francis Adams, Charles Sumner, Nathaniel P. Banks, Horace Greeley, William Cullen Bryant, Chauncey M. Depew, Parke Godwin, William



Dorsheimer, Lyman Trumbull, Colonel Alexander K. McClure, ex-Governor Andrew G. Curtin, the great war Governor of Pennsylvania; George Hoadly, Stanley Matthews, John B. Henderson, B. Gratz Brown, Carl Schurz, ex-Governor Reuben E. Fenton, ex-Governor Jacob D. Cox of Ohio, Chief Justice Salmon P. Chase, Supreme Court Justice David Davis, Theodore Tilton and Whitelaw Reid. The Liberal Republican movement was especially noticeable from the support it received from many of the leading newspapers of the country, including such powerful organs of Republican opinion as the *New York Tribune*, the *Cincinnati Commercial*, the *Chicago Tribune* and the *St. Louis Globe-Democrat*.

The discovery of the *Crédit Mobilier* scandal, showing the bribery of men prominent in official life, including the Vice-President and many influential members of Congress, added to the anti-Grant movement, and as the time of the presidential election of 1872 approached matters began to take shape and steps were taken toward the forming of an organization. The first appearance of the Liberal Republicans under that name was in the State of Missouri, in 1870. They allied themselves with the Democrats and swept the State against all the influence of the Grant administration. It was from Missouri, also, that the call was issued for a Liberal Republican National Convention, to be held at Cincinnati. The call was issued January 24, 1872, and the convention was to meet on the 1st of May.

It was a remarkable convention in a great many ways. Though national in its scope, it was not composed of accredited delegates from organized constituencies, but partook more of the nature of a great mass-meeting. When it came to voting, however, the balloting was by States, on the same basis of representation as obtained in the regular party national conventions. Carl Schurz, then a United States Senator from Missouri, was chosen chairman, and the usual course of procedure in such gatherings was followed. The first ballot resulted :

Charles Francis Adams.....	203
Horace Greeley.....	147
Lyman Trumbull.....	100
David Davis.....	92

On the third ballot the vote of Adams rose to 264, on the fourth to 279, and on the fifth to 309. Greeley's vote on the same ballots, respectively, had risen to 258, 251 and 258, respectively. The drift was unquestionably to Adams, and his nomination on the next ballot seemed assured. It was defeated, however, by an organized demonstration, led by Theodore Tilton and John Cochrane, of New York. Each announcement of votes for Greeley was greeted with wild outbursts of stamping and cheering, for the purpose of causing a stampede. The plan succeeded, although Adams was certainly ahead and in an orderly convention would unquestionably have received the nomination. B. Gratz Brown, of St. Louis, a journalist of national reputation, was nominated for Vice-President.

It is an inborn trait of human nature to speculate as to what might have been, and this propensity was indulged to the fullest extent after the fatuous action of this really able convention became known. Greeley had probably made himself more conspicuously obnoxious to the Democrats of the country than any other man. His newspaper was probably more widely circulated at that time than any other in the United States, and for many years there had been scarcely a week that it did not contain bitter abuse of everything Democratic from the virile and vigorous, but vitriolic, pen. At the same time, it took this really able pen out of the canvass, and its loss was by no means supplied. The place of Greeley on the New York *Tribune* was taken by Whitelaw Reid, who had been one of those instrumental in organizing the Greeley stampede in the convention. He was an able man and a forceful writer, but neither he nor any other man in the country was to be compared with Horace Greeley as an effective political controversialist.

The Republican organs and orators were loaded with excerpts from the New York *Tribune*, in which all sorts of abusive and stinging epithets had been applied to Democrats and their most honored leaders by Greeley for thirty years, and they made highly effective use of this ammunition. One of the many bitter pleasantries, which became a proverbial expression, was the following evolved by some Republican journalistic humorist:

"First Democrat—Er you goin' to vote fer Greeley?"

"*Second Democrat*—Yes, but I don't like it. What er you goin' to do?

"*First Democrat*—Well, I kin eat crow, but I don't hanker after it."

The fact was that the nomination of Greeley, though it was unanimously affirmed by the Democratic National Convention, divided the party and rendered success impossible.

It was claimed that the nomination of Charles Francis Adams, or of either of the men supported in the Liberal Republican Convention, would have received a united and enthusiastic support, and would have greatly strengthened the Republican division, so that the defeat of Grant would have become a certainty.

After the overwhelming defeat of Greeley, the Liberal Republican organization virtually ceased to exist. It held a State convention in New York in 1873, and really decided the election, choosing all the Democratic candidates, whose nominations it endorsed, and also Nelson K. Hopkins, the Republican nominee for State Comptroller, whose name was placed upon the Liberal Republican ticket.

This was the last public appearance of an organization which certainly began its existence with great possibilities. Its spirit, however, still survived and it was a great factor in the success of Samuel J. Tilden before the people. It has also influenced American politics for the better, to the present day.

The Democratic State convention, which met at Rochester, May 15, 1872, for the purpose of choosing delegates to the National Democratic Convention, declared in favor of a union of all patriotic citizens on the platform of political principles recently adopted by the convention at Cincinnati, and instructed its delegates to take the course best calculated to secure the triumph of those principles.

The Republican National Convention, assembled at Philadelphia, June 5th and 6th, renominated General Grant, with Henry Wilson for second place on the ticket.

The Democratic National Convention met at Baltimore July 9, 1872, and, after reaffirming "the principles already adopted at Cincinnati," gave Horace Greeley 686 out of 732 votes as candidate for President and B. Gratz Brown 713 out of 732 as candidate for Vice-

President. Demand for "the immediate and absolute removal of all disabilities imposed on account of the rebellion," was a chief feature of the Cincinnati movement.

Both the Liberal Republicans and the Democrats held their conventions in Syracuse, September 4-6, and the flirtations which they carried on with each other over the matter of candidates and delegates, and which resulted in a ticket of mixed political complexion, caused them to be known as the Dolly Varden conventions.

The Democratic convention opened on the 4th and was called to order by Samuel J. Tilden, after which Lester B. Faulkner was elected temporary chairman. Samuel J. Tilden, Delos Scoville, John Kelly, Joseph Warren and William Cassidy were appointed as a committee to arrange terms with the Liberal Republicans. On the 6th the Democrats nominated Francis Kernan for Governor, after the names of Allen C. Beach, Augustus Schell, Homer A. Nelson, Sanford E. Church and Lucius Robinson had been prominently before the convention and had each received a respectable number of votes.

After the nomination of Francis Kernan for Governor, John F. Hubbard, Jr., was nominated for Canal Commissioner and S. S. Cox, of New York, for Congressman-at-Large.

At the evening session of the convention a committee from the Liberals appeared and announced their nominations, naming Chauncey M. Depew for Lieutenant-Governor.

The Committee on Resolutions reported a platform which expressed gratification with the uprising of the people in favor of reform; asserted that the condition of the country demanded a forgetfulness of past prejudices; recounted the corruptions of the Republican administration; assailed the last Legislature for not being true to reform; called for a pure judiciary; appealed to the South to educate the blacks and declared "that equality of all citizens of whatever creed or race is one of the cardinal principles of Democracy."

At the general election, November 5, 1872, Grant and Wilson carried 31 States and received 286 electoral votes. Greeley received 47 and died on November 29th of the same year, twenty-four days after his defeat.

John A. Dix, the Republican candidate, was elected Governor of



HORACE GREELEY

1840-1872

1.

2.

3.

New York by a majority of over 55,000, and the State Legislature was strongly Republican. The Liberal Republican faction was largely absorbed into the Democratic Party and disappeared from sight as a political factor in this State.

The vote of New York for presidential electors was for Grant and Wilson 440,759 to 387,279 for Greeley and Brown. The members of Congress elected were 9 Democrats to 23 Republicans. The State Legislature stood 8 Democrats to 24 Republicans in the Senate, and 35 Democrats, 2 Independents and 91 Republicans in the Assembly.

During the legislative session of 1873, a Civil Rights Bill was passed to compel the managers of theatres and other places of amusement to permit the enjoyment of the privileges of their exhibitions to every person, no matter what his race, color, or previous condition of servitude. During the same session a commission was appointed to prepare and submit to the Legislature a set of amendments to the Constitution. The committee reported amendments of nine acts and two new acts. All of these amendments were submitted to the people at the fall election and were ratified. The notable changes made in the organic law of the State by these amendments to the Constitution were: the absolute security of equality in the exercise of the elective franchise; provision for the punishment of the givers and receivers of bribes at election; the salary of the members of the Legislature was fixed at \$1,500; the term of office for the Governor and Lieutenant-Governor of the State was changed from two to three years and the salary of the Governor was fixed at \$10,000 a year; that of the Lieutenant-Governor at \$5,000 a year; further restrictions were put upon the Legislature in the management of the finances of the State and the chartering of banks.

At the election in the fall of 1873, two questions relating to the judiciary were submitted to the people. They were:

1. Shall the Chief Judge and the Associate Judges of the Court of Appeals and the Justices of the Supreme Court be hereafter elected or appointed?

2. Shall the Judges of the Superior Courts of New York City and Brooklyn, of the Court of Common Pleas, of Buffalo, and the chief County Judges throughout the State be hereafter elected or appointed?

The people decided for the election of both higher and lower judges by a majority of over two hundred thousand.

The Democratic State Convention, assembled at Utica, October 1 and 2, 1873, made the following nominations: Diedrich Willers for Secretary of State; A. P. Nichols for Comptroller; Judge Daniel Pratt for Attorney-General; Thomas Raines for State Treasurer; James Jackson, Jr., for Canal Commissioner; and George W. Millspangh for Prison Inspector. In the election, held November 4th, Willers and Raines were elected by majorities of 9,893 and 12,835, while Hopkins, Republican nominee for Comptroller, was elected over Nichols by a majority of 4,065. The Liberal Republicans had endorsed Willers and Raines, and also Hopkins.

The State Legislature stood, in the Senate, 17 Republicans, 12 Democrats, 2 Independents, and 1 Liberal Republican; and in the Assembly, 73 Republicans, 49 Democrats, 3 Independents, and 2 Liberal Republicans.

The most important event which occurred in the New York State administration of Governor Dix was the passage of an act, which became a law on May 11, 1874, for the compulsory education of the children of the commonwealth. The law went into effect on January 1, 1875.

CHAPTER XXIV.

The Régime of Governor Tilden—His Exposure of the Canal Frauds
—His Growth Into a Presidential Figure—Succeeded by
Lucius Robinson.

THE political campaign of 1874 exhibited some interesting features. On the same day in June of that year two conventions assembled in Auburn, N. Y. One was the Prohibition convention and the other was a convention of Temperance Republicans. The regular Prohibition convention nominated ex-Governor Myron H. Clark for Governor. On the same day on which that nomination was made the Temperance Republicans passed resolutions condemning ex-Governor Dix because he vetoed a so-called local option bill for the repression of intemperance. In September the Liberal Republicans held a convention at Albany, but they made no nominations.

Although in 1872 New York State was dissatisfied with Grant's administration, and Democratic politicians generally felt themselves outraged by the operations of the Tweed Ring in New York City, the Democrats were unable to elect Francis Kernan as Governor, because the nomination of Horace Greeley for President had made a fiasco of the Democratic cause. In 1874 there was no presidential election pending, and New York State, untrammelled by national issues, was free to choose a reform government. Men were determined to purge public office, and reform was in the air. Samuel J. Tilden had been prominent in clearing out the Tweed Ring in New York City, and the wisest men of the Democratic Party turned their eyes toward him as the logical candidate for Governor.

The Democratic State Convention met at Syracuse, September 17, 1874, and nominated Samuel J. Tilden for Governor on the first ballot, with great enthusiasm.

The State at large was so dissatisfied with the régime of Governor Dix that many leading Republican newspapers endorsed Tilden's candidacy. He ran as a reform candidate, and his acceptance of the nomination committed the Democratic Party to reform measures.

The Republican Party renominated Governor Dix, but his name had lost the magic which first brought it into prominence—the New Orleans flag incident. He had changed sides so often, and had proved so vacillating that he was considered unsafe. His weakness was well illustrated by a letter which Horatio Seymour wrote to Samuel J. Tilden on October 3d, 1874. Part of the letter is as follows:

"I think the right way to expose General Dix is to hold him up to ridicule. His age, etc., might make serious attacks unpopular. Suppose some of the bright writers of the *World* should defend him against the charge that he was always ready to change his politics, and that he never did so unless he got a large consideration and pay down. Starting out with a view of being an Anti-Mason, he shifted to the Democratic Party for the office of Adjutant-General. He hesitated between Cass and Van Buren until he was nominated for Governor by the Free Soilers. He went back to the Democratic Party for the New York Post Office, under Pierce. He went over to Buchanan for a place in the Cabinet; and from his Free Soil views he became so violent for the South that he would not vote for Douglas, but supported Breckenridge. After presiding at an anti-war meeting, he at once went over to Lincoln when he was made a major-general. To get a nomination for the French mission he took part with President Johnson. To get confirmed, he left him for Grant. In 1868 he intrigued for a presidential nomination from the Democratic Party, as in 1866 he had tried to be nominated by the same party for the office of Governor. Not getting this nomination, he held on to Grant, and in 1872 he got a nomination from the Republicans. I think that this history shows that he valued his political principles at a high rate, and never sold them unless he got a round price and pay down."

During the campaign preceding the election of 1874 Mr. Tilden undertook to interest young men in politics, and his endeavors in that direction were distinctly visible in the elections in New York State for

the next sixteen years. Of course the battle-cry was "Reform," but his endeavors to bring young men to the front in political life was a distinct supplement.

At the election in November Tilden won by a majority of 50,317, reversing Dix's majority in 1872 of 55,000.

When Samuel J. Tilden entered the Governor's chair at Albany he was admirably equipped for the discharge of his duties. It is doubtful if any other incumbent ever entered upon the duties of the office of Governor so well qualified at the start to assume the reins of government. His life, experience and education had been a continual preparation for just such work as he was called upon to do. From his youth up he had been more or less in touch with political affairs, had always kept an eye on current events, and he was one of the foremost lawyers in the State. For half a century he had lived in constant intercourse with leading men, and had had most excellent opportunities for studying the various phases of political life, as well as the characters of public men.

He was a member of the Assembly from New York in 1846, and also a member of the Constitutional Convention of that year. In 1860 he used his utmost endeavor to avert the Civil War, but not less loyally sustained the administration of President Lincoln. In 1866 he became Chairman of the Democratic State Committee, and the next year he was a member of the Constitutional Convention, and served with distinction on the Finance Committee. For several years before his election as Governor Mr. Tilden had been an indefatigable laborer in the cause of judicial and political reform in the city of New York. He was chief mover in the organization of the Bar Association of the city, which had for its object the correction of judicial abuses. When the contest came on against the city officials, who were charged with defrauding the city treasury of many millions of dollars, Mr. Tilden's legal acumen, in his analysis of the accounts of the Broadway Bank, showing conclusively criminal sharing of spoils, and furnishing legal proof for the conviction of the culprits, was a monumental service to the cause of reform. In 1872 Mr. Tilden was again elected to the Assembly, and continued his exertions to make the work of reform complete.

He had been nominated and elected Governor as the Moses of reform. After his election there was a great deal of speculation as to whether he would venture to carry out the system of reform advocated in pre-election days. Just after his inauguration, his friend, Charles O'Connor, addressed to him a lengthy letter, which breathed a doubt that Tilden would adopt drastic measures of reform; at the same time Mr. O'Connor declared that he did not mean to intimate any suspicion of the kind. Tilden's message and subsequent course effectually removed all apprehensions and settled all doubts.

The Legislature of 1875 was so divided politically that the Governor could not count upon its hearty support. The Senate consisted of 18 Republicans, 12 Democrats and 2 Independents; the Assembly of 73 Democrats, 53 Republicans and 2 Independents. So, while the Democrats controlled the Assembly, the Republicans controlled the Senate.

Governor Tilden's message to the Legislature of 1875 is considered to be one of the ablest State papers ever issued from the gubernatorial chair of the State. It received the unusual honor of being extensively copied by the press of other States, and it was a distinct forecast of the policy of Tilden's régime. The three principal topics of the address were:

1. Reform in the administration.
2. The restoration of the financial principles of Jackson and Van Buren.
3. The unconditional acceptance of the 13th, 14th and 15th amendments of the Federal Constitution.

In order to inaugurate his system of reform he recommended a revision of the laws providing penal and civil remedies for official frauds. These recommendations were carefully wrought into the legislation of the State during the session. Chapter 19 of the Laws of 1875, entitled: "An act to provide more effectually for the punishment of peculation and other wrongs affecting public moneys and rights of property," gave the Governor the weapon he needed to effectually carry out his plan of reform. Had the importance and force of that act been thoroughly appreciated by the Legislature, or had that body foreseen the uses it would subserve, it is doubtful if the act could

have been passed. It really did not encounter any strong opposition. The Legislature passed three bills, in all, providing judicial remedies against frauds affecting public moneys or property, and all these bills were passed, it may be said, unanimously.

Although this feature of the Governor's message led the public to speculate as to the extent to which he would carry reform, a more profound impression was produced by that part of his message which related to the financial policy of the Federal government. Since the war no prominent Democrat had ventured to attempt to return to the financial policy, which was still associated in the public mind with Democratic rule. Chimerical notions of repairing the wastes of war and of fostering the depressed energies of industry and commerce by unlimited issues of irredeemable currency had become apparent realities in the public mind. The people had become accustomed to a printed promise of the government, and politicians of both parties were timid about interfering with the existing state of things. Even conventions were afraid to express themselves against the pernicious financial condition, yet Governor Tilden, who had no toleration for such delusions, boldly attacked the Federal financial system in his message. The views expressed in the message he had previously stated to Secretary Stanton.

The message was presented to the Legislature on January 5th, and on March 19th he sent a special message to that body regarding the mismanagement of the canals.

Regarding the canal ring, John Bigelow, in his life of Samuel J. Tilden, says:

"The 'canal ring' embraced, as the name implies, about an equal proportion of both political parties. It consisted of men who had become wealthy by plundering the State as contractors, and of political parasites who were indebted to them for their positions, and who, as agents of the State, certified their work, audited and paid their bills. The master spirits of this ring at the time of Tilden's accession to the Governorship were Messrs. Denison and Belden, of Syracuse. Denison trained and traded with the Democrats, Belden with the Republicans. In this way they had a key to the pantry of every administration, and between them both, like Jack Spratt and his wife, they licked

the platter of both parties clean. Denison was a good-natured and festive creature, who stepped to the front when the Democrats were in power; while his partner, Belden, was a cool-headed and capable man of business, strictly temperate in his habits, and punctual in his attendance upon the services of his church. He appeared on the stage when the Republicans prevailed. It was currently said of the firm that 'Denison furnished the rum and the Democracy, and Belden the hypocrisy and the Republicanism.' (Cook's 'Life of Tilden,' p. 183.) Jarvis Lord and Willard Johnson, who at this time occupied seats in the Legislature, and George D. Lord, the son of Jarvis, who had been in the Legislature, and was soon to be indicted for bribery, were also extensive canal contractors, and more or less closely connected, for ring purposes, with Denison and Belden. The Legislature contained many more members who were, some partially and others entirely, indebted for their seats to these men. Several, if not all, of the State officers were under like obligations of fealty. Mr. Tilden had been familiar for years with their power and methods of operation, for he had frequently tried conclusions with them, in which, when not defeated, his victories cost nearly, if not quite, all they were worth.

"Knowing the power of the adversary with which he proposed to do battle, and that it would not do to make any charge which he was not prepared to substantiate and maintain against all comers, he had begun to collect the material for this message soon after his election. He employed Mr. Elkanah Sweet, a civil engineer, whose professional and personal character had won his confidence, to visit those portions of the canal upon which contract work had been done during the five or six preceding years, and instructed him to take down sufficient of the walls in the prism of all the canals to ascertain the dimensions and character of their work, and then to visit the auditor's office to compare the work done with the work required by their contracts. The result of this investigation and comparison was laid before the Governor at, or very soon after, his inauguration, but without a suspicion of what had been going on, or the purpose of it, gaining currency outside of the executive chamber. With these reports in his hand, the Governor prepared his message, which, when presented by his private secretary, was equally a surprise to the Legislature and the public. In it he set



forth in detail the fraudulent processes by which, for an indefinite period, the State had been plundered, its agents debauched, its politics demoralized and its credit imperilled."

Having carefully collected his information, the Governor set about preparing his indictments of those who had been corrupt in office. He set forth in detail the processes by which contractors, acting in collusion with the engineers and the canal board, had drawn pay for work never done, and had received excessive pay for what work they had performed. He cited ten cases, setting forth the sums paid by the State, and the sums for which the contract was let. The total of the contract prices was \$424,735, but the contractors received \$1,560,769, or more than a million dollars in excess of contracts of less than half a million. The Governor laid his information before the Legislature, accompanied by his own remarks, and asked that a commission be appointed to investigate the abuses so that appropriate legislation might be enacted.

The boldness of the charge, made strong by the specific allegations it contained, aroused a good deal of comment, not only throughout the entire State, but over the entire country, and while moralists will say that Governor Tilden simply performed his duty, the fact of his doing that duty so boldly and fearlessly is one of the highest tributes to the integrity of his character. He was antagonizing a caste composed of members of both great political parties, who claimed, no doubt truthfully, that they held the balance of power in the State with both parties. The man of expediency, the mere politician, thinking solely of his own aggrandizement, would have made friends with the mammon of unrighteousness or, at best, would have hesitated long, and would have had to be assured of strong support before he would have moved against the canal ring. It is claimed by some historians that Silas Wright was exiled from public life in the heyday of his career because he would not join forces with the baser elements of his party, and it is fresh in the memory of every one that there was a great deal of talk in 1898 over the dissipation of the nine million dollars voted by the Legislature for the improvement of the Erie Canal, yet no one was found courageous enough to prosecute an inquiry into the expenditure of that money as Tilden prosecuted his inquiry.

The Legislature contained quite a few of the most notorious canal

jobbers and their political allies, yet the body was obliged to yield to the public sentiment which the Governor's message aroused, and he was promptly authorized by a joint resolution of both Houses to appoint a committee of investigation. He appointed John Bigelow, Alexander E. Orr, Daniel Magone and John D. Van Buren, Jr.

The canal interests in the Legislature apparently feared what the report of the Governor's commission might be, and also the effect of that report. At all events a movement was started in the Assembly to create another commission, which should represent the Assembly and discharge the same duty as the Governor's commission. Applications were then made upon various pretexts to have this commission joined to the Governor's commission, but these invitations were always promptly declined. As a consequence the Assembly commission soon abandoned all pretense of making an investigation and passed out of public view.

The reports, some twelve in number altogether, of the Governor's canal investigating committee, were handed in from time to time during the summer of 1875 and the winter of 1876, and sustained all of Governor Tilden's charges. As a consequence there followed the indictment of one of the Board of Canal Appraisers for conspiracy to cheat the State; the indictment of an ex-Canal Commissioner, and of two ex-Superintendents of Canals; the indictment of George D. Lord for bribery; the suspension and final removal from office of the Auditor of the canal department, and the indictment of one division engineer.

After the Governor's annual message at the beginning of the legislative session of 1875, and notwithstanding his recommendations for retrenchment, the appropriation for ordinary repairs, as it passed the canal committee of the Senate, was nearly as large as that of the preceding year, and the appropriations for extraordinary repairs, or new work, was nearly as large as that of 1874. After the Governor's canal message was handed in the Legislature seems to have realized that he was very much in earnest in his determination to have reform and economy, and the appropriation for ordinary repairs was reduced \$200,000 below that of 1874, while the appropriations for new work were reduced from \$2,000,000 to \$365,000. Every appropriation containing items which did not appear to the Governor to be necessary was vetoed,

and these vetoes not only put a stop to the systematic plunder of the State under the guise of extraordinary repairs, but it confirmed the impression already abroad in the country that the Governor was in earnest when he made his promise of reforming the State administration.

During the five years preceding Governor Tilden's régime the repairs on the canals of the State had cost the State over five million dollars more than the revenue received from the canals in tolls.

Acting along the line of reform, Governor Tilden endeavored to secure legislation which should regulate the debts of the cities of the State. In New York City the tax rate had doubled from 1850 to 1876, an increase in expenditure, compared with the increase in population during the same period, of four hundred per cent. The Governor considered that this state of things was partly owing to the neglect of the Legislature to discharge the duty imposed upon it by the Constitution of 1846, properly to restrict municipal corporations and their powers of taxation, borrowing, contracting debts, etc. The familiarity which the Governor's four years' contest with the Tweed ring in New York had given him of the methods by which these abuses thrived, led him to urge upon the Legislature a prompt compliance with its long-neglected constitutional duty. On May 11, 1875, he sent a message to the Legislature recommending the creation of a commission which should report at the next session "the forms of such laws or constitutional amendments as were required." The result of this message was the appointment of a commission, which consisted of William M. Evarts, Oswald Ottendorfer, William A. Butler, James C. Carter, E. L. Godkin, Simon Sterne, Joshua Van Cott, Edward Cooper, Samuel Hand and Judge Lott. The work of this commission never produced any practical results. They reported the draft of an amendment to the State Constitution outlining a form of government for all the cities of the State. This amendment failed to become law, owing to the dictation of Roscoe Conkling; at least that was the way the matter was considered at the time.

Governor Tilden not only assailed the Federal government on its financial policy, in his January message of 1875, but in January, 1876, he again considered it his duty to make a communication to the Legis-

lature which reflected censure upon the administration at Washington. In the fall of 1875 a squad of United States soldiers, acting upon the orders of General Sheridan, entered the Legislature of the State of Louisiana, while that body was in session, and arrested five of its members. Sheridan then sent a message to Washington, asking that a class of citizens, indefinite in number and description, should be declared banditti, and requesting either the President or Congress to make such declaration. He further declared his purpose to court-martial and execute such persons under military law. The President and Cabinet seem to have discovered nothing wrong in the outlawry of Sheridan, for the Secretary of War telegraphed him that "the President and all of us have full confidence in and thoroughly approve your course." On January 12, 1876, Governor Tilden made these proceedings the subject of an earnest and impressive communication to the Legislature, treating the question ably from a legal standpoint, and appealing to the Legislature of New York to condemn the action of General Sheridan "by a public reprobation, which shall make it memorable as a warning to all future officers of the State and army." He condemned severely "the outrage by the soldiery of a power to decide the membership of our legislative assemblies whose right to judge exclusively in such cases has ever been regarded with peculiar jealousy by our race."

The Legislature adopted several of the financial measures recommended by Governor Tilden, and this, aided by the vigorous use of his right to veto, produced considerable reduction of the State tax during the first year of his administration, and led to a greater reduction the following year.

In the summer of 1875 Governor Tilden, acting no doubt upon the advice of his friends, made a tour of the canal counties of the State. During this tour he made several speeches, and took advantage of those opportunities to urge upon the people the election to the Legislature of men who would assist him in carrying through reform measures. He was uniformly bold and fearless in his denunciation of public wrongdoers, and was very emphatic in the expression of his determination to carry through his ideas of reform. The impression made upon the country by these speeches, as well as his messages to

the Legislature, won for him a high national reputation, and he held an authority over his party in the State of New York such as no man has exercised before or since. No party action was taken without consulting him, and his decision was always final. He began to be talked of as the successor to General Grant in the President's chair, and the ability which he had exhibited as an executive had placed him above all competitors in his party. The newspapers of the day, without reference to party, began seriously to consider him as a presidential possibility, and his popularity with the people at large was very concisely explained by the *New York Nation*, which said :

"Mr. Tilden has been making a sort of progress through the State, addressing crowds in the towns through which he passed, on the subject of reform. He has spoken very plainly about it, and told his audience that what was meant by reform was not electing 'straight-out Democrats' nor Jefferson Democrats, nor 'rallying,' nor 'wheeling into line,' nor even hurling the corrupt centralizer from power, but the election of honest men of whatever party to do the work of the government. His remarks seem to have struck the assembled multitudes very favorably, and it would appear from their manifestations of approval that this is just the sort of thing they mean by reform themselves."

Republican politicians became alarmed, and the Federal administration at Washington was anxious to disparage him. An election of State officers was near, and if the Democracy should succeed, and the Governor's reform policy be approved by the people, the result could not be regarded except as a rebuke to the Federal administration from the Empire State, for had not Tilden assailed that administration, both on its financial policy and on its approval of military usurpation of civil power? The fall elections of 1875 were, therefore, destined to be more than usually important. Realizing this, Governor Tilden kept up his close contact with the people, and continued to make occasional addresses throughout the State.

The Democratic Party of the State of New York made distinct issues on administrative reform, a declaration in favor of sound currency, including the repeal of the legal tender act, and a declaration against third term candidates for the Presidency. The election was

held on November 3d of that year, and the Democrats carried the State by majorities ranging from fifteen to twenty thousand.

After the results of the election were known Judge Blair said that Tilden seemed to be the only arrow in the Democratic quiver, or, in other words, that he was the logical Democratic candidate for the Presidency.

Soon after the organization of the Legislature in 1875 Francis Kernan was elected to the United States Senate for six years, from March 4, 1875. Mr. Kernan had been Reporter of the Court of Appeals from 1854 to 1857, and in 1860 was elected to the Assembly from a district which had been in the previous year strongly Republican. In 1862 he was elected to Congress, and was an important member of the judiciary committee. He was a member of the Constitutional Convention of 1867, and of the Constitutional Commission, whose work was ratified in 1874. In 1872, as candidate of the Democrats and Liberal Republicans for Governor, he shared in the defeat of that ticket. Always a Democrat in politics, of high rank as a jurist and statesman, forcible in debate, attractive in manner, and of commanding presence, he went to the Senate at Washington with promise of distinction for himself, for his party and for the State.

During the legislative session of 1875 632 bills were passed, to which Governor Tilden gave his assent. One of the most important subjects dealt with was that of reform in the management of the canals. On the 18th of March Governor Tilden submitted to the Legislature a special message on the subject. He showed that for five years, ending September 30, 1874, the total receipts for the tolls had been \$15,058,361, while the expenses for operating and for ordinary repairs had been \$9,202,434, leaving an apparent surplus of \$5,855,927. But during the same period the disbursements for extraordinary repairs had been \$10,960,624, causing a real deficiency of \$5,104,697; and, adding to this payments on the canal debt, and other outlays on account of the canals, an aggregate was reached of over \$11,000,000 expended by the State in five years to maintain the canals in operation. Governor Tilden made these facts the basis of a charge that the expenses for both ordinary and extraordinary repairs had been greatly in excess of what was required; and he showed that there had been corrupt

and fraudulent contracts for work and materials, with the result of payment, up to February 1, 1875, on ten contracts, of \$1,560,769, when the contracts honestly handled should have involved payment of only \$424,735. The recommendations of acts to remedy the evils in canal management, not only commanded attention and applause from many public bodies, and from the press of the State, but led to thorough legislative action, both by a number of special acts aimed at known evils, and by the appointment of a commission which made no less than twelve reports of exposure of frauds, and at the end of the year the suspension from office of the Auditor of the Canal Department, Francis S. Thayer.

Suggestions with regard to future measures affecting the canals, Governor Tilden made in his message to the Legislature of 1876, his general object being to clear away the débris of the old rotten system, and enable the State to attempt the work of real utility and small cost which the people could well afford to pay for. With a view to this a constitutional amendment, changing the system of administering the canals, had been unanimously passed by both Houses of the Legislature of 1875.

The Democratic State Convention, in session at Syracuse September 15-16, 1875, made the following nominations: John Bigelow, for Secretary of State; Lucius Robinson, for Comptroller; Charles S. Fairchild, for Attorney-General; Charles N. Ross, for Treasurer; John D. Van Buren, Jr., for State Engineer and Surveyor; Christopher A. Walrath, for Canal Commissioner, and Rodney D. Crowley for Inspector of State Prisons. Referring to the Democratic National Convention Platform of 1872, and the New York Democratic Platform of 1874, the convention pronounced for the maintenance of the public credit by honest payment of the public debt in coin, and speedy resumption of specie payments with no money not convertible into coin. He wanted honesty in everything.

The Republicans put in nomination a ticket headed by Fred W. Seward, Francis E. Spinner and George F. Danforth, and at the election held on the second of November, 1875, the Democratic candidates were chosen. Bigelow's plurality over Seward was 14,810. The Legislature chosen for 1876 consisted of 20 Republicans and 12 Demo-

crats in the Senate, and 71 Republicans and 57 Democrats in the Assembly.

At the first session of the Forty-fourth Congress the Democrats, for the first time in fifteen years, had a majority of the House of Representatives, and were able to elect as Speaker Michael C. Kerr, of Indiana.

The political campaign of 1876 was one of unusual activity and importance. The position and character of Governor Tilden gave the Democracy of the nation promise of a President of thoroughly Jeffersonian principles, and the fact that New York would cast thirty-five electoral votes, and would in all probability decide the electoral contest, stimulated all parties to unwonted exertions. The "Greenback" Party held a convention March 15th at Syracuse, and, without attempting a ticket, gave out a protest against the Democratic resolutions of the 1874 and 1875 conventions on the subject of finance.

A second "Greenback" convention was held in New York June 1st, and four delegates-at-large chosen to the Democratic convention at St. Louis, with a claim that they alone represented the true Democracy of the State. A State convention of this party assembled at Albany September 26th, and a State ticket was nominated, with R. M. Griffin candidate for Governor.

The Republicans held their convention for the selection of delegates to their national convention at Syracuse March 22d, and voted to present the name of Roscoe Conkling for the presidential nomination. The proposal of George W. Curtis to leave the matter open, in the interest of Secretary Bristow, as the Reform Republican candidate, was voted down by 250 to 113.

The Republicans held their State convention at Saratoga, and put in nomination a ticket headed by Edwin D. Morgan and Sherman S. Rogers.

The Democratic convention, for the appointment of delegates to a national Democratic convention at St. Louis, was held at Utica, April 26th and 27th. Of several contesting delegations from the twenty-one districts of New York City, the Tammany delegations were admitted. Endorsement of the administration of Governor Tilden was voted, and his name was presented as the choice of the New York Democrats



for the Presidency. The Democratic National Convention at St. Louis, which met and was organized June 28th, voted on its first ballot for a candidate for President as follows:

Samuel J. Tilden, of New York.....	404½
Thomas A. Hendricks, of Indiana.....	140½
General W. S. Hancock, of Pennsylvania.....	75
William Allen, of Ohio.....	54
Thomas F. Bayard, of Delaware.....	33
Joel Parker, of New Jersey.....	18
James O. Broadhead, of Missouri.....	16
Allen G. Thurman, of Ohio.....	2

On the second ballot, with 492 necessary for a choice, Tilden had 535 votes, and the nomination was at once made unanimous. The second strongest name before the convention, that of Thomas A. Hendricks, was added to complete a ticket of very exceptional strength. The affirmations of the platform which were most significant of the crisis in national affairs, which seemed almost certain to turn the confidence of a majority of the nation to the Democratic Party, under a candidate of the known distinction of Governor Tilden, were these:

“For the Democracy of the whole country, we do here reaffirm our faith in the permanence of the Federal Union, our devotion to the Constitution of the United States, with its amendments universally accepted as a final settlement of the controversies which engendered civil war, and do here record our steadfast confidence in the perpetuity of republican self-government.

“In absolute acquiescence in the will of the majority—the vital principal of republics; in the supremacy of the civil over the military authority; in the total separation of Church and State, for the sake alike of civil and religious freedom; in the equality of all citizens before just laws of their own enactment; in the liberty of individual conduct, unvexed by sumptuary laws; in the faithful education of the rising generation, that they may preserve, enjoy, and transmit these best conditions of human happiness and hope, we behold the noblest

products of a hundred years of changeful history ; but, while upholding the bond of our Union and great charter of these our rights, it behooves a free people to practice also that eternal vigilance which is the price of liberty. Reform is necessary to rebuild and establish the Union, eleven years ago happily rescued from the danger of a secession of States, but now to be saved from a corrupt centralism, which, after inflicting upon ten States the rapacity of carpet-bag tyrannies, has honey-combed the offices of the Federal government with incapacity, waste and fraud.

"Reform is necessary to establish a sound currency, restore the public credit, and maintain the national honor. We denounce the failure, for all these eleven years of peace, to make good the promise of the legal tender notes. We denounce the financial imbecility and immorality of that party which, during eleven years of peace, has made no advance toward resumption, no preparation for resumption, but, instead, has obstructed resumption, by wasting our resources and exhausting all our surplus income. We denounce the present tariff, levied upon nearly four thousand articles, as a masterpiece of injustice, inequality and false pretence. We demand that all custom house taxation shall be only for revenue. Abuses, wrongs and crimes, the product of sixteen years' ascendancy of the Republican Party, create a necessity for reform confessed by Republicans themselves. We demand a change of system, a change of administration, a change of parties, that we may have a change of measures and of men."

Mr. Tilden made an elaborate and powerful exposition of the demands and expectations of the Democracy of the nation, in a letter of acceptance of the St. Louis nomination, dated Albany, July 31, 1876. Discussing "the necessity of a reform 'in the scale of public expense—Federal, State and municipal,' and 'in the modes of Federal taxation,'" he declared that "the present depression in all the business and industries of the people, depriving labor of employment, and carrying want into so many homes," had "its principal cause in excessive governmental consumption." He said that "under the illusions of a specious prosperity," engendered by the false policies of the Federal government, a waste of capital had been going on ever since the peace of 1865, which could only end in universal disaster. Enormous taxation, aggravated by bad methods of collection, and by a most unwise finan-



cial policy, had drained the resources of the people to the limits of great public calamity. The Democratic House of Representatives, struggling to reduce expenditures, had to face the menace of the Senate and Executive compelling consent to objectionable appropriations on pain of hindrance to the operations of the government. Governor Tilden said of this state of things: "In my judgment, an amendment to the Constitution ought to be devised separating into distinct bills the appropriations for the various departments of the public service, and excluding from each bill all appropriations for other objects, and all independent legislation."

Governor Tilden specifically denounced "the systematic and insupportable misgovernment imposed on the States of the South," and urged efforts "to establish a cordial fraternity and good will among citizens, whatever their race or color, who are now united in the one destiny of a common self-government." The great subject of "resumption of specie payments on the legal tender notes of the United States," with the establishment of "specie payments by all the banks on all their notes," Governor Tilden discussed with masterly discrimination of all the aspects of the case, and he denounced with just severity the reckless operations of a government which had gone on for a year and a half of the four years to January 1, 1879, under a pledge of resumption at that date, yet doing nothing in preparation for that event, and in fact wasting every possible surplus needed for redeeming the pledge.

For the nomination of a Democratic State ticket a convention was held at Saratoga August 30th and 31st. After unanimous and enthusiastic ratification of the nomination at St. Louis of Governor Tilden, as the Democratic standard-bearer for the presidential campaign, ex-Governor Seymour was nominated by acclamation for Governor, and the ticket completed by the selection of William Dorsheimer for Lieutenant-Governor, Darius A. Ogden, for Canal Commissioner, Robert H. Anderson, for Prison Inspector, and Robert Earl for Judge of the Court of Appeals. The state of Mr. Seymour's health compelled him to positively decline being the candidate, and at another convention, called to meet September 13th to fill the vacancy, Lucius Robinson was nominated for Governor by acclamation.

CHAPTER XXV.

State and National Campaigns of 1876—Lucius Robinson Elected Governor—Contest Over the Presidency—Hayes Declared Elected—State Conventions of 1877—The Entire Democratic Ticket Successful—Acts of 1877—State Conventions of 1878—The New Capitol—Re-Appportionment of Assembly Districts.

THE Democrats of the State of New York were not all Tilden men in the year 1875. As Governor of the State he had taken a bold stand, and had been strenuous in his efforts for reform, and these efforts had been wonderfully successful. It would seem natural that the Democrats of his own State, to a man, would have supported him, but such was not the case. Besides, there were many other presidential candidates in the Democratic Party to whom reports of his success and ever-increasing popularity were not the most agreeable news. The condition of affairs on the Democratic side at that time were well expressed by William C. Bryant, in the *Evening Post* of May 26, 1875. He said :

“The Democratic schism that recently developed opposition to Governor Tilden in his own party in this State is curiously significant of certain things which are worthy of careful study, and especially worthy of consideration by honest and sincere Democrats outside of New York.

“There are two ‘wings,’ so to speak, in that party, and Governor Tilden represents one of them, while the persons who oppose him constitute the other. It is natural enough that the canal ring and its followers, Tammany and its adherents, and that sort of Democrats who are commonly called Bourbons, should labor to defeat the nomination for high office of the man who represents everything that they oppose, and opposes everything that they represent; but it will be a most dis-

couraging thing to every person who hopes for good at the hands of the Democratic Party, and every man in that party who sincerely seeks to make it the instrument of governmental purification and a return to sound principles and honest methods, if such opposition is permitted to prevail in its councils. Governor Tilden represents all that there is in the Democratic Party which the people are at all disposed to trust; his opponents represent that which the people just now most earnestly dread, and the development of the opposition in these circumstances affords that party a precious opportunity to strengthen itself and win some of that popular confidence which it badly needs, by placing itself fairly upon the side of the right.

"It will not be easy to close the breach which exists in the Democratic Party in this State, for the reason that it is never easy to reconcile an honest desire to do right with a set purpose to do wrong; and it will be difficult to arrange a compromise which shall not seem to be a mere bargain. Governor Tilden has fought manfully for hard money and honest government. It is impossible to mistake his attitude on these questions; and if at this juncture the party yields to the demands of the men in New York who oppose him, it can scarcely hope to escape the reputation of having rejected these principles and written hostility to them upon its banners, whatever clever devices it may hit upon for concealing the fact under formal declarations of doctrine. His name has been put forward too far to be withdrawn now without a practical declaration of hostility to the principles which his name has come to represent.

"The country is asking the question, 'Can we trust the Democratic Party?' and it will take its answer, very probably, from the temper with which the party in other States shall deal with the schism here. The case is a very peculiar one. There are other Democrats in plenty who believe in the doctrines which this particular Democrat holds to be primary principles; but he has managed to make himself the special representative and equivalent of these principles in that party as no other man has. He has put his principles in practice in the most fearless and resolute manner, and has made himself especially obnoxious to their opponents, as the hostility to him, of which we write, clearly shows; and the consequence is that, rightly or wrongly, the country

in it, that at the coming presidential election we shall support no candidate who, in public position, ever countenanced corrupt practices or combinations, or impeded their exposure and punishment, or opposed necessary measures of reform.

"We shall support no candidate who, while possessing official influence and power, has failed to use his opportunities in exposing and correcting abuses coming within the reach of his observation, but for personal reasons and party ends has permitted them to fester on; for such men may be counted on not to uncover and crush corruption but, for the party's sake, made ready to conceal it.

"We shall support no candidate, however conspicuous his position or brilliant his ability, in whom the impulses of the party manager have shown themselves predominant over those of the reformer; for he will be inclined to continue the fundamental abuse, the employment of the government service as a machinery for personal or party-ends.

"We shall support no candidate who, however favorably judged by his nearest friends, is not publicly known to possess those qualities of mind and character which the stern task of genuine reform requires; for the American people cannot now afford to risk the future of the republic in experiments on merely supposed virtue or rumored ability to be trusted on the strength of private recommendation.

"In one word, at present no candidate should be held entitled to the support of patriotic citizens of whom the question may be fairly asked: 'Is he really the man to carry through a thorough-going reform of the government? Can he with certainty be depended upon to possess the moral courage and sturdy resolution to grapple with abuses which have acquired the strength of established custom, and to this end firmly to resist the pressure even of his party friends?' Whenever there is room for such a question (and doubt as to the answer) the candidate should be considered unfit for this emergency.

* * * * *

"Every American citizen who has the future of the republic and the national honor seriously at heart should solemnly resolve that the country must have a President whose name is already a watchword of reform; whose capacity and courage for the work are matters of record, rather than of promise; who will restore the simplicity, independence

votes. Two of these Governors, however, were the Hessians of a corrupt partisan and military occupation—those of Louisiana and South Carolina—the scandal and iniquity of whose use of usurped and conscienceless power Hayes must have known at the moment; and which a very little later he, himself, as President, recognized and put an end to. The Democratic managers for Tilden insisted that ample evidence could be procured in support of their assertion that in each of the States of Florida, Louisiana, and South Carolina, illegal rejection of Democratic votes alone was responsible for returns giving a Republican majority, and that to give Hayes the election upon a majority of one vote was to defeat the fair election by the people, and by the honest electoral returns as well, of the Democratic candidate. Under the method invariably pursued on previous occasions, Congress was expected to merely pass upon the certificates, and give Hayes the election. But with the House largely Democratic, and with circumstances scandalously suspicious, not to say demonstrative of rascally procurement of conveniently false results, there seemed little doubt that the House could not concur with the Republican Senate in a plain robbery of the Presidency from Governor Tilden, resting upon a popular majority of the citizens of the whole country. The circumstances led to the passage of an act to refer all contested cases to a commission consisting of five Senators, five Representatives, and five Justices of the Supreme Court. The Senate chose as commissioners, George F. Edmunds, Oliver P. Morton, F. T. Frelinghuysen, Allen G. Thurman and T. F. Bayard. The House selected Henry B. Payne, Eppa Hunton, Josiah G. Abbot, George F. Hoar and James A. Garfield. The act designated four justices, two of whom were, politically, Republican, and two Democratic—Nathan Clifford, Samuel J. Miller, Stephen J. Field, and W. Strong—and required these four to add one other. Under this feature of the act Joseph P. Bradley was added. The proceedings of the commission were from first to last determined by the equal division of seven Republican commissioners on the Hayes side of every contest, and seven Democratic commissioners on the Tilden side, with Justice Bradley giving the casting vote on the Republican side. This grotesque travesty of justice ended as it began, with 185 electoral votes counted for Hayes and Wheeler, and 184 conceded to Tilden and Hen-

dricks. The action of Hayes, at the moment, in the case not only of Louisiana, but of South Carolina, in withdrawing Federal support, both military and moral, from the carpet-bag State governments which had controlled the election proceedings under which he had obtained the Presidency, appeared conclusive of the Democratic contention that the proceedings had been of a reprehensible character, fair and honest scrutiny of which must have compelled commissioners, not unscrupulously partisan, to concede that no Louisiana or South Carolina votes could with justice be counted for the Republican candidate.

A transaction of the utmost significance, while the electoral commission was assisting Congress to count the electoral votes, was a bargain made by Hayes, through Stanley Matthews and Charles Foster, on his side, with John Y. Brown, of Kentucky, and General J. B. Gordon, of Georgia, for South Carolina and Louisiana, to the effect that if, by the count of these States, Hayes should become President, he would clean out the carpet-bag and shotgun, bogus State administrations of Chamberlain and Packard. Under date of February 17th, at Washington, Matthews and Foster gave to Brown and Gordon their written assurance, strongly expressed, of their confidence that Hayes, as President, would "adopt such a policy as will give to the people of the States of South Carolina and Louisiana the right to control their own affairs in their own way." The expectation of a great act of justice, and of statesmanship on the part of Hayes, might with the utmost propriety have been raised under any circumstances, and Hayes may be assumed to have been in this matter a Liberal Republican, prepared to go a long way in that direction of justice which President Grant was reputed to think the times were ripe for. But with the proofs, what history shows them to have been, namely, that the electoral votes for Hayes were not as many as the electoral votes for Tilden, and that this larger number of electoral votes for Tilden was but the just expression of Tilden's popular majority over Hayes, the question will with time and thought become more and more urgent, whether Hayes did not consciously and corruptly trade with South Carolina and Louisiana to give them justice for some quiet on their part while he made off with the Presidency.

Two weeks after Hayes got the Presidency a mass meeting of the

supporters of the Packard succession to Kellogg proclaimed to the world that the new State government headed by Governor Nicholls, and representing the mass of the population and the wealth of the State, were a rebel gang, to yield to whom would be to encourage lawless outrage, and compel the Republicans "to follow the example of the Nicholls Party, and attempt to settle legal questions by the use of the rifle and the cannon." This did not prevent the sending of a commission by President Hayes, two weeks later, the proceedings of which resulted in the break-up, April 21st, of the Packard Legislature, and the recognition, of the Nicholls administration for what it was, the organic expression of a self-governed State.

President Hayes had meanwhile withdrawn military support, April 10th, from the Chamberlain rump of negroes and a few white men claiming to be the Legislature of South Carolina, and the consequent slump of the whole fraud, proclaimed by Chamberlain himself April 10th, had left South Carolina once more a free, self-governed State, under the administration of the Democratic soldier-statesman, Wade Hampton.

The last act of reprehensible negro domination in South Carolina was the efficient fraud through which Hayes shamelessly took a Presidency which was not his.

The House of Representatives, May 17th, 1877, upon the motion of Clarkson N. Potter, of New York, passed a preamble and resolution for the investigation of alleged fraud in the presidential election in Florida and Louisiana. The vote taken was 146 yeas and 2 nays, with 143 Republicans not voting, and the committee appointed reported by 7 to 3 of their number that the electoral votes of Florida and Louisiana were given to Hayes and Wheeler through the perpetration of gross frauds, and that upon an honest count Tilden and Hendricks were elected. Immediately upon the passage of the Potter preamble and resolution Eugene Hale, chairman of the Republican Congressional Committee, gave out an address to the country, alleging that the investigation was a mere pretence, and that the real intention was a revolutionary expulsion from his office of President Hayes. To this indictment, based wholly upon violent partisan malice, C. N. Potter, chairman of the investigating committee, made a temperate reply; and

October 16th Tilden published a card thoroughly exposing the political dishonesty which had controlled the making up and sending in of the Florida, South Carolina and Louisiana returns, and the failure of the Democratic Party to deal with it to any Democratic advantage because the utmost Democratic diligence had been used to have neither money nor promises of office employed for any corruption whatever of voters or purchase of electoral support.

Proof, the most incontestable, was alleged by Tilden that the boards of State canvassers were utterly corrupt; that the certificates of election were offered for money to the Democratic managers; but were given to the Republican managers under the inducement of promises of office under Hayes; and that the Republican commissioners evaded getting at the honest facts. The very basis of Tilden's candidacy, attested not merely by protestations, but by what had been done through him in both the New York City and State administrations, was the promise of reforms in the administration of national affairs. Competition for returning board certificates from State governments would have been a descent to the Republican level; a disgraceful downfall into the pit-hole of ignorant negroism, where Chamberlain and Kellogg were trading in political results. The cornerstone of Tilden's policy was abstinence from the least appearance of such corrupt trading. Hence the justice with which he said: "While thus abstaining from an ignominious competition for returning board certificates, which would have been to abandon all that made victory desirable, I saw these certificates obtained for the Republican electors who had not been chosen by the people, and denied to the Democratic electors who had been chosen by the people.

"Those false and fraudulent certificates, now confessed and proved to have been obtained by corrupt inducements, were afterwards made the pretexts for taking from the people the rightful choice for the Presidency and Vice-Presidency.

"These certificates were declared, by the tribunal to which Congress had abdicated the function of deciding the count of electoral votes, to be the absolute and indisputable conveyance of title to the chief magistracy of the nation.

"The State of Florida, which had united all her executive, legis-

lative and judicial powers to testify to Congress, long before the count, who were her genuine agents, which had, by statute caused a recanvass, the issue of new certificates and a formal sovereign authentication of the right of the true electors to deposit the votes entitled to be counted—was held to be incapable of communicating to Congress a fact which everybody then knew, and which cannot now be disputed.

“Congress, though vested by the Constitution with the authority to count the electoral votes; though unrestricted either as to the time when it should receive evidence, or as to the nature of that evidence, and though subject to no appeal from its decision, was declared to have no power to guide its own count by any information it could obtain, or by any authority which it might accept from the wronged and betrayed State whose vote was about to be falsified.

“The monstrous conclusion was thus reached that the act of one man holding the deciding vote in a board of State canvassers (for without his concurrence the frauds of the other returning boards would have failed) in giving certificates, known at the time, and now by himself confessed, to be false and fraudulent, and confessed to have been obtained by the promise of office, certificates whose character was known months before Congress could begin the count—must prevail over all the remedial powers of the State of Florida and of the Congress of the United States combined, and must dispose of the Chief Magistracy of this republic.”

The average public of all parties throughout the United States were comparatively passive during a period which with less self-restraint on the part of the people might have bred civil distraction of the most dangerous character. In the South, the concession by President Hayes of restored self-government, in such States as South Carolina and Louisiana, had a great effect, sympathy with which in the North tended to toleration of the wrong done by the false and fraudulent count of presidential votes. It was a result of the overwhelming triumph of Democratic principles that Hayes, almost from the count of the electoral votes, yielded to demands which were so nearly those of the Democracy as to lose him the confidence of Republican zealots, whose unscrupulous fanaticism had carried them into the depths of disgusting political miscegenation. The country reaped a broad harvest of results

of the Tilden campaign and the Tilden triumph at the polls, which counted for new departure developments, contrary to those which had been under Republicanism driving the ship on the rocks. It co-operated with this turn in the tide of politics that the year 1878 was one of overflowing wealth from the field, the forests and the mines of the country, and that, with the coming of the year 1879, the Democratic ideals in finance, as understood from the first in New York, were acclaimed by resumption of specie payments, abating a scandal which dated from suspension by the banks of New York City, December 30, 1861.

Returning to State politics: Lucius Robinson was elected Governor on November 7, 1876, by 519,831 votes to Morgan's 489,371, giving Robinson a plurality of 30,460 over Morgan and a majority over all of 25,612. The members of Congress elected by New York State were 17 Republicans and 16 Democrats. The New York Legislature of 1877 consisted of 19 Republicans and 13 Democrats in the Senate and 71 Republicans and 57 Democrats in the House, so that the Republicans had a majority of 6 in the Senate and 14 in the House and 20 on a joint ballot.

Lucius Robinson was well known in the public life of the State before his election to the office of Governor. He had spent many years in active political service and at the time of his nomination was serving as State Comptroller, an office in which he had won special distinction. He was a native of Greene County, where he was born in 1810. He was educated for the law and after serving some time as District Attorney, received the appointment of Commissioner of Chancery in New York City. That office he held from 1843 to 1846. He was elected to the Assembly in 1859 and again in 1873 and proved himself an able and useful man during both his terms. He was one of the best Comptrollers the State ever had. He was first elected to that office in 1861 on the Union ticket by the overwhelming majority of 160,000 votes. In 1863 he was again elected, but lost in his contest for a third term. Shortly after the beginning of the war the Government began to issue greenbacks, and as Comptroller of the State he decided to pay the interest on the canal debt in coin. By strict economy, with systematic and able management of the State treasury, his services



were of great benefit to the State in trying times. He wiped out the bounty debt in twelve years, was very efficient in assisting in the breaking up of the canal ring and aided effectively in any movement which frustrated railroad frauds. His whole record shows him to have been a man of great capacity for public affairs, of earnest effort, enlightened views, and possessed of a discriminating and steady judgment. With such a man as Governor of New York and Samuel J. Tilden in the President's chair, the Democratic Party had looked forward with sanguine hopes to a rehabilitation of the party both in the State and nation. The process by which Tilden was counted out of the Presidency nullified these hopes, so far as national affairs were concerned.

Among the laws passed by the Legislature of 1877 was one providing that the Superintendent of State Prisons shall have the management and control of the prisons and convicts therein and of all matters relating to the government, discipline, police, contracts and fiscal concerns of those institutions. It also provided that the system of labor in the State prisons should be by contract or by the State, or partly by one system and partly by the other, at the discretion of the superintendent. The superintendent was also empowered to appoint a State Agent to visit the different prisons of the State with a view to aiding convicts whose terms of imprisonment were near expiration.

An act to prohibit the sale of intoxicating liquors to children under the age of fourteen years was also passed; also an act empowering the Boards of Education in cities and villages to designate the text-books to be used in the schools under their charge. A notable bill of the year was that by which Crooked Lake Canal ceased to exist as a State waterway and provision was made for the sale of the lateral canals. Under the provisions of this act, the Chenango Canal extension was to be discontinued after May 1, 1878, and the Chemung and Genesee Valley canals were to be abandoned after September 30, 1878.

Probably the most important subject which came before the Legislature of 1877 was the proposition to amend the State Constitution. Six amendments were agreed to and it was decided that if these amendments were approved by the Legislature of 1878, they would be submitted to the vote of the people at the fall election of that year. The most important proposed amendment was that relating to the organiza-

tion and government of cities. It provided that city elections should be held separately from State and national elections and in March or April. It also proposed that the legislative power conferred on a city be vested in a Board of Aldermen, who were to have none of the powers vested in the Board of Finance. The Board of Aldermen were to be empowered to pass measures over the Mayor's veto provided that such vote be taken at the next meeting of the Board after the communication of the veto. The executive power of every city should be vested in the Mayor and in such executive officers and departments as might be created by law. The Mayor was to have the appointment of the chief financial and law officers and the heads of executive departments with the consent of the Board of Finance.

The year 1877 is notable in the annals of New York State as marking the commencement of the operation of the new code of civil procedure. In 1848 the old system of the practice of law and equity was abolished. In 1870 the Legislature passed an act authorizing designated commissioners to "revise, simplify, arrange and consolidate all statutes of the State of New York, general and permanent in their nature." The commissioners prepared and submitted a very voluminous account entitled "The Code of Remedial Justice." One thousand four hundred and ninety-six sections of this Code were crystallized into law by the Legislature of 1876 with provision that it should not take effect until May 1, 1877. The Legislature of 1876 changed this date to September 1, 1877, since which time that part of the system has been in operation under the name of "The Code of Civil Procedure." The remaining part of the Code submitted by the commissioners contained 1,800 sections and was passed upon by the Legislature, but with about 250 other bills it was sent to the Governor to be acted upon during the thirty days following the adjournment of the Legislature. Through lack of time to read the act, the Governor did not approve it and it naturally failed to become law.

The Democratic State Convention of 1877 assembled in Albany on October 3d and nominated the following ticket: For Secretary of State, Allen C. Beach; for Comptroller, Frederic P. Olcott; for Treasurer, James Mackin; for Attorney-General, Augustus Schoonmaker, and for State Engineer and Surveyor, Horatio Seymour, Jr. The con-

vention also adopted resolutions denouncing the usurpation of the Presidency by Rutherford B. Hayes and declaring, "gold and silver the only legal tender."

The State Convention of Workingmen and Labor Reformers was held in Troy, October 9, and after adopting a platform, the following candidates were put in nomination: John J. Junio, for Secretary of State; George Blair, for Comptroller; Samuel G. Rice, for Treasurer; Warren T. Worden, for Attorney-General; and Walter Griswold, for State Engineer and Surveyor.

The Republican convention met at Rochester on September 26, and Roscoe Conkling was chosen permanent chairman, but declined to serve, and Thomas C. Platt was chosen for the position. The resolutions adopted by the convention did not endorse the national administration, although a minority made strenuous efforts to accomplish that end. The convention put in nomination the following: For Secretary of State, John C. Churchill; for Comptroller, Francis Sylvester; for Treasurer, William F. Bostwick; for Attorney-General, Grenville Tremaine; and for State Engineer, Howard Soule.

The Prohibition Party, the Greenback Party and the "German-American" Party, also put tickets in the field in the fall of 1877. The election resulted in the success of the Democratic ticket.

The Legislature of 1878 convened on the first Tuesday of January. The Senate was composed of 18 Republicans, 13 Democrats and 1 Independent. In the Assembly there were 66 Republicans, 61 Democrats and 1 Independent. The question of the apportionment of the members of the Legislature according to the population became a subject of more than usual interest. The Constitution of the State directs that the Senate districts "be altered by the Legislature at the first session after the return of every enumeration of the inhabitants so that each district shall contain, as nearly as may be, an equal number of inhabitants, excluding aliens and persons not taxed." The subject evolved a great deal of controversy, but nothing definite was accomplished that year. During this session a concurrent resolution providing for biennial sessions of the Legislature failed of adoption.

The Democratic State Convention met at Syracuse, September 25, and was organized with Erastus Brooks as president. The only nom-

ination was that of George B. Bradley for Judge of the Court of Appeals.

The Republican State Convention assembled at Saratoga on September 26. George F. Danforth, of Rochester, was nominated for Judge of the Court of Appeals.

The National Greenback Labor Reform Party held a convention at Syracuse, July 25th, and nominated Gideon J. Tucker for Judge of the Court of Appeals. The Prohibition State Convention, which met at Albany on April 24, nominated Joshua M. Van Cott for Judge of the Court of Appeals. Among the conventions of the year the Woman's Suffrage Convention, held at Rochester, was notable. It passed a number of resolutions embodying the views generally held regarding woman suffrage, but did not make any nominations.

The election held November 5th was for choice of a Judge of the Court of Appeals, Members of Congress and members of the State Legislature. The result was a victory for the Republicans. Danforth was elected Judge of the Court of Appeals and the State Legislature for 1879 consisted of 19 Republicans, 12 Democrats and 1 National Greenback Republican in the Senate, while in the Assembly there were 98 Republicans, 28 Democrats and 2 Nationals.

The Legislature of 1879 opened on January 7 and continued its labors into the month of May. This was the first session of the New York Legislature held in the new Capitol and an effort was made on the evening of February 12th to signalize the change both historically and officially. There was a joint convention of the two Houses, to which Judges of the Court of Appeals and State officers were invited and speeches were made by the president of the Senate, Lieutenant-Governor William Dorsheimer, and Thomas G. Alvord, Speaker of the House that year. At that time the finished portion of the Capitol was only about one-fourth the area of the whole building.

The Capitol of the State, built of white granite, is by far the most imposing building in Albany and stands upon the highest of the several hills upon which the city is situated. Its total cost approximated \$27,000,000. The old Capitol, which stood in the little Capitol Park, just east of the present edifice, was built in 1806 at a cost of \$110,000.

The agitation for a new Capitol began about the year 1860, about

which time the old Capitol began to proclaim its inadequacy to the growing requirements of the State. On April 24, 1863, James A. Bell, Senator from the Eighteenth District, who was Chairman of the Committee on Public Buildings, offered a resolution in the Senate, which was adopted, that the trustees of the Capitol and the Chairman of the Committee on Public Buildings be authorized to procure suitable plans for a new Capitol and to report to the next Legislature. The committee submitted plans for a new Capitol by Thomas Fuller, of the firm of Fuller & Jones. This architect had designed the new parliament buildings at Ottawa, Canada, and had achieved fame thereby. Two years passed before any action was taken upon his plans, and, in the meantime, a committee of the Legislature solicited invitations from different cities in the State for the new Capitol. New York, Yonkers, Saratoga and Argyle offered sites, while Buffalo, Oswego and Ithaca declined to make any offer. The first committee appointed suggested that the plans for a new Capitol should be made with reference to the square about the old State Capitol as the site for the new one. The city of Albany finally offered to convey to the State the lot adjoining, occupied by the Congress Hall Block, or any other lands in the city which might be required for the purpose.

On May 1, 1865, an act was passed authorizing the erection of a new Capitol whenever the city of Albany should deed over the land proposed and providing for the appointment of three commissioners and appropriating \$10,000 with which to commence the prosecution of the work. On April 14, 1866, an act was passed ratifying and confirming the location of the Capitol and on May 3 of that year, Hamilton Harris, John V. L. Pruyn and O. B. Latham were appointed new capitol commissioners. On April 22, 1867, an act was passed appropriating \$250,000 toward the new Capitol, but providing that no part should be expended until a plan for a new building had been agreed upon not to cost, when completed, more than \$4,000,000. The plan submitted by Thomas Fuller was adopted and he was appointed architect and William J. McAlpine consulting engineer. On the 9th day of December, 1867, the first pick was struck into the ground for the excavation at the corner of Hawk and State streets. On May 19, 1868, a second sum of \$250,000 was appropriated, and this act added to the

names on the Capitol Commission, those of James S. Thayer, Alonzo B. Cornell, William A. Rice, John T. Hudson and James Terwilliger. The commission was also authorized to add to the land already obtained, one-half the block adjoining Congress Hall Block on the west and to change the plans at their discretion, with this proviso: that if they changed the plans so as to make the cost exceed four million dollars, they were not to proceed with the work until such plans were approved by the Legislature. This brought about new and enlarged plans by Fuller & Jones, which were duly reported to the Legislature and approved by an act of May 10, 1869. The first stone in the foundation of the Capitol was laid July 7, 1869, by John V. L. Pruyn. Ten years later the Legislature first met within the building. The cornerstone was laid with great ceremony by the Grand Lodge of Free and Accepted Masons on June 24, 1871. Upon that occasion addresses were made by Hon. Hamilton Harris and Governor John T. Hoffman.

The election of a Senator in Congress to succeed Roscoe Conkling took place on January 20. His opponent was Lieutenant-Governor Dorsheimer. In the Senate Conkling received 19 votes and Dorsheimer 12; in the Assembly Conkling 95, Dorsheimer 23, and Peter Cooper 2. The Democratic members of the Legislature immediately held a caucus at which it was proposed to make a protest against the granting of a certificate to Roscoe Conkling as the duly elected Senator. The grounds upon which the protest were made were that the Constitution of the State requires that at the next session of the Legislature after every State census the senatorial districts shall be altered so as to contain, as nearly as may be, an equal number of inhabitants and that the members of Assembly shall be apportioned according to population. That a census was taken in 1875, but that no alteration of the Senate districts and no reapportionment of the members of Assembly had been made by the Legislature since that enumeration; that the effect of such neglect had been that large numbers of the people of the State had been and were misrepresented in the Legislature; that the political complexion of the Legislature had been thereby changed from one party to another, with the result that the Legislature then sitting was a Legislature *de facto* and not *de jure*. The caucus did not adopt this resolution, but resolved upon an address to the people. This address covered

the grounds set forth in the resolution presented to the caucus. Conkling was, however, returned to the United States Senate.

Subsequently, an apportionment bill was passed by the Legislature, which gave to New York City 24 members of Assembly (a gain of 3) and to Kings County 12 members (also a gain of 3); while Columbia, Delaware, Madison, Oneida, Ontario and Oswego each lost one. The Governor allowed the bill to become a law without his signature and gave as his reason that the bill did not meet the requirements of the Constitution.

During this session resolutions for biennial sessions of the Legislature were adopted, which were to be presented to the next Legislature and if adopted by that body were then to be submitted to a vote of the people.

CHAPTER XXVI.

LIFE OF SAMUEL JONES TILDEN.

SAMUEL JONES TILDEN, one of the ablest men and one of the profoundest statesmen that this country has ever produced, was born at New Lebanon, Columbia County, New York, February 9, 1814. He was the son of Elam and Polly (Younglove) Tilden and was the fourth of the seven children born to them. Samuel's grandfather, John Tilden, had removed from Connecticut in 1790. The Tilden family is one of very ancient lineage. For centuries it had been prominent in the County of Kent, in England, in which a part of London is located. The family name appears as far back as the knightling of the famous Edward, the Black Prince, eldest son of King Edward III., in 1346, and is even mentioned two centuries earlier, during the reign of King Henry II. The armorial bearings are said to show that Sir Richard Tylden, who lived at that time, was descended from the first Norman Earl of Chester, a nephew of William the Conqueror.

This genealogy of one of the greatest of Americans is, however, more curious than valuable, and no man set less store by the aristocratic titles of the Old World than that sturdy and robust Democrat, Samuel J. Tilden, himself. Said he, in referring to a paper in which his ancestry had been traced: "This paper may pass for what it is worth. For my part, I am not ambitious to trace my ancestry to the ruffian and robber chivalry of Normandy. It is more consonant with my principles and my tastes to prefer to deduce my lineage from the yeomanry of Saxon Kent, who preserved their free customs and their liberal landed tenures, rejecting primogeniture and maintaining equality of inheritance among all children, and caused their institutions to be respected by the victorious Normans after their occupation of England. It is a line of ancestors who, during centuries of conflict, have, in every instance, been on the side of the largest liberty, and have borne their full

share in the struggles, the perils, and the sacrifices through which free institutions have been established."

We give this statement as one which clearly reveals the character of this illustrious man. It illustrates not only his thorough Americanism, but also the clearness and soundness of his judgment, a faculty in which he has never been surpassed by any of our public men.

Mr. Elam Tilden was a man of brains and intelligence, the oracle of the village on most questions of public interest a great admirer of President Jackson, and the neighbor and lifelong friend of Jackson's successor, President Martin Van Buren, who frequented his house and prized his political sagacity and judgment.

It is a remarkable fact that this quiet, rural community of Columbia County should have given birth to two men of such phenomenal ability as Martin Van Buren and Samuel J. Tilden. In breadth of mind, keenness and subtlety of intellectual perception, as citizens, as lawyers and as statesmen, vigorous and in every way sound and sane, they stand pre-eminent. Which of the two was the greater man, it would be a very difficult matter to decide, but it is probable that most students of affairs would award the palm to Tilden as, upon the whole, the stronger. At least, the stage upon which he played his part was the larger.

The family friendship with Mr. Van Buren made the Tilden home-
stead also the resort of that remarkable group of men composing what was familiarly known as "The Albany Regency," and especially of Governor William L. Marcy, United States Senator Silas Wright, Comptroller Azariah C. Flagg and Editor Edwin Croswell, of the Albany *Argus*. In the conversation of such men as these young Tilden was a patient and eager listener, and it is not strange that under such auspices political life should have appeared to him as the ideal life, and that all his thought, study and aspirations were fixed in that direction at an age when most boys are not yet through with their playthings. It was an ideal training for one who was to play so great a part.

This sort of educational influence was the more potent from the fact that when Mr. Tilden was about three years old he had a severe illness, and that the illness, or the drugs, or both combined, left him with a weak stomach and impaired digestion from which he never fully recovered. The immediate effect was to prevent his indulging in the active

the bent of his mind even in its formative period. In the great fight over the United States Bank he took an active part, though he had not yet obtained his majority, participating actively in party conventions and addressing still larger audiences through the Democratic newspapers. Even at that early age Mr. Tilden showed something of that clearness of thought, that remarkable power of statement and that facility and felicity of expression which made his public papers in later life so trenchant and so memorable. This is the more remarkable as he was by no means a concise writer, being, on the other hand, given to prolixity, but even with this drawback it is doubtful whether any American statesman's utterances upon large public matters, unless Grover Cleveland's should be excepted, were ever so gladly received and so generally read by their countrymen, as were those of Samuel J. Tilden. The official papers of Washington, Jefferson, Jackson and Lincoln were, of course, keenly welcomed and greatly enjoyed, but their unofficial utterances hardly commanded such universal attention as those of Samuel J. Tilden. He was a master among publicists.

As an illustration of his style and, at the same time, a statement of his views upon national policy, read what he said of Jefferson, whose political standards were adopted by Mr. Tilden as his own. Said he in reply to an invitation to be present at a celebration of Jefferson's birthday anniversary, only four years before his own death :

"Jefferson penned the immortal statement of the principles that led our ancestors to assert the independent existence of our country, and which has been substantially adopted as a model for every people who have since attempted to establish national independence on the basis of human rights. He was the first in his day to completely emancipate his own mind from the monarchical and aristocratical traditions which still enslaved most of the best intellects of the country. But the obligations of the world to Mr. Jefferson do not end here. On the completion of the Federal Constitution, Gouverneur Morris, being asked what he thought of it, answered: 'That depends upon how it is construed.' After the organization of the Federal government, a powerful class sought to impress upon it in its practical working the features of the British system. Mr. Jefferson was the great leader of the party formed to resist these efforts, and to hold our institutions to the popular char-

acter which was understood to belong to them when the Constitution was ratified by the people.

"When elevated to the Presidency, he put the ship of state, to use his own expression, 'upon the Republican tack.' He arrested centralizing tendencies, reinvigorated local self-government; restored the rights of the States, and protected and enlarged the domain of the individual judgment and conscience. For eight years he administered the government, and for sixteen years more it was administered by his pupils under his observation and advice. Thus was established a habit which largely shaped the standards for the guidance of the popular judgment, the modes of thinking of statesmen and the general course of government for sixty years. * * * Mr. Jefferson gave to our administrative system an aspect of republican simplicity; he repressed jobbery as well as all perversions of power, and by his precepts, his influence, and his example elevated the standard of public morals. In his personal practice he was not only pure, but, to make his example more effective, he refrained, while administering the greatest of official trusts, from all attempts to increase his private fortune, even by methods open to every private citizen."

These words cannot be too deeply pondered by all our statesmen. The principles of public action and of private conduct which they enunciate enforced, as Mr. Tilden truly says, through the eight years of Jefferson's administration and the sixteen years of Madison and Monroe which followed, gave a trend to our national government and the habits of thought of our people which has ruled ever since. And they are likely to rule, in spite of temporary exploitations of policies of adventure and sensational experiments, to which some President of picturesque personality may give an evanescent vogue.

In estimating the achievements of Mr. Tilden, it should always be borne in mind that this remarkable man, while not an invalid, yet was a stranger to the vigorous health which is such an important asset of men who reach distinction by their own efforts. After the campaign of 1832, and he did not become eighteen years old until December of that year, his delicate health made it a difficult matter to decide upon any plans for his future. This uncertainty depressed and discouraged him. In a letter written to his father, while this matter was yet under

discussion, the ambitious youth spoke of the difficulty he suffered from loss of time on account of his infirm health. He did not fear that he could not keep up with his class at New Haven, but that would not satisfy him. Said he: "I never would make *mediocrity* my aim in anything; low indeed is his standard who seeks a mere equality with his fellows." Here appears clearly the high ambition to excel which was manifested all through his life. Even physical weakness and suffering, which render the ambition of most men flabby and flaccid, and make them limit their aims largely to physical comfort, had no power over his indomitable spirit. It was finally decided that he should enter Yale College, which he did in June, 1834. Among his sixty classmates were many who became famous men, including Chief Justice Waite, William M. Evarts, Edwards Pierrepont and Benjamin Silliman. His career at Yale was brief, however. His health broke down, and when he went home for the Christmas holidays he did not return.

In the fall of 1832 he had written an "Address to the Democratic Young Men of the County of Columbia," which contains many striking thoughts and phrases that show, even at that early age, the force and pungency of his literary style. For instance, he tells how "the capitalist class had banded together all over the world and organized the *modern dynasty of associated wealth*, which maintains an unquestioned ascendancy over most of the civilized portions of our race." This dynasty, in England, said he, "at this moment, exerts an influence over her far more mighty than that of her hereditary aristocracy, and, in truth, sways her destinies. A heartless, soulless moneyed power—a tyranny sternly inexorable and unrelenting, when, as in the recent glorious struggles for reform, even the monarch and many of the titled nobility were ready to yield something to the just complaints of an oppressed people. And can we be insensible to the rapid and fearful strides which the same power is making in our own country? Are not monopolies and corporations springing up like hydras in every part of the nation? Are they not obtaining an alarming ascendancy over our legislative bodies, and over the people themselves? * * * Has it not assailed the purity of the press, the fidelity of our representatives, and the freedom of our elections, the three great pillars which support the noble superstructure of American liberty? * * * It will assemble

around it all the rich and aristocratic, giving unity to their efforts and wielding their energies, till finally, as with advancing time wealth accumulates and poverty becomes more excessive, *a moneyed aristocracy* will hold undisputed sway over this now free and happy people."

Further prosecution of his studies at Yale having been definitely abandoned, it was finally determined that he should go to New York and enter the university then recently opened. This he did at the commencement of the year 1835. His health, however, was so uncertain that his connection with the university was more nominal than real. He remained, however, for more than a year, after which he planned various health trips. He does not seem to have taken any of these, probably from the fact that in that year his friend and neighbor, Martin Van Buren, was a candidate for President. The warm, personal and political sympathy and friendship existing between that great leader and the Tilden family, makes it altogether probable that Samuel remained at home, and forgot his physical ailments for the time and took an active part in securing Van Buren's election.

From a letter written at this period we get a glimpse of Tilden's shrewd knowledge of human nature. Said he: "Impartiality and independence also have their counterfeits. I know that there is a class of no-party men who vindicate their claim to that character by doing injustice to all, even without the excuse of bias. I know that society is sometimes troubled with 'I-always-speak-my-mind' nuisances, who seem to think it a virtue to violate the comities of social intercourse, and always to sacrifice the feelings of others to their own caprice or ill-nature."

In 1835 President Jackson had removed the government deposits from the United States Bank and distributed them among the State banks. These treated this new line of deposits, for discount purposes, as a part of their own capital; and if this did not actually cause, it certainly contributed largely to the wild and reckless speculation of 1836-37. Partly to protect the government from loss, and partly to check the speculation craze, President Jackson ordered that the government land offices should receive nothing but gold and silver or certificates of deposit in payment for land. The middle western States were then rapidly filling up and the sales of the public lands to settlers

were enormous. At this time, it is worthy of note, when this first of our periodical great monetary crashes set in, the United States Government was, for the first and last time absolutely free from debt, and had, besides, a surplus of \$40,000,000. To the amazement of the banks which were using this money as part of their capital, as before stated, the Congress passed a law that it should be called in and distributed among the States. May 10, 1837, only two months after President Van Buren's inauguration, the banks of New York City, with but a single exception, suspended specie payments, and most of the banks of the country promptly followed their example.

The Legislature of New York was then in session, and upon the recommendation of Governor Marcy, it passed a law legalizing the suspension. May 13th, Mr. Tilden wrote a letter to his father in which he criticised this action in the strongest terms, showing even that far back the wonderful sagacity which made him one of the greatest masters of finance this country has ever known. In the course of this letter he said: "A permanent currency of irredeemable paper is a more intolerable curse than war, pestilence, or famine, and one to which, I hope and trust, the people will not long submit."

The people of the United States have had only too much reason to experience the truth of this far-seeing statement!

President Van Buren issued a message calling the Congress to assemble in special session in September, 1837, and in his message to that body, upon its opening, he strongly recommended a separation of the government business from that of the banks, and the establishment of the Independent Treasury. This measure, which was eventually adopted and proved one of the most beneficent ever enacted in the history of the government, was violently attacked. A series of articles opposing its adoption appeared in the Albany *Argus* over the signature of "Marshall." At once Mr. Tilden came to the defense of the President, over the signature of "Crino," with arguments which were marked not only by that infallible good sense, which was instinctive with him in financial matters, but were written in a trenchant, and at the same time lucid, style that attracted wide attention.

In the discussions of this time, the letters, platforms and public addresses of Mr. Tilden possessed a clearness and cogency, a grasp of

principles and a mingled power and felicity of statement, that caused him to be appealed to for years afterward to frame and settle, by address or resolutions, the issues upon which, at each successive campaign, the party was to form its line of battle. From this time until his death, half a century afterward, he never ceased to be one of the counselors to whom the Democratic Party turned for aid and guidance in all political emergencies. And it is the truth to add that his counsel was rarely overruled that the party did not, sooner or later, have abundant reason to regret it.

Mr. Tilden entered the Law School of the New York University in 1838, the year in which it was organized, and was a member of the first class that was graduated from that school. The lecturers were a famous trio, ex-Attorney-General Benjamin F. Butler, Judge William Kent and David Graham. While attending the lectures at the university Mr. Tilden was also articulated as a law student with the Hon. John W. Edmonds, a former State Senator and also a Columbia County man. In the fall of this same year Senator N. P. Tallmadge, the colleague of Silas Wright, who had left the Democrats on the financial question, addressed a meeting in Columbia County, held for the purpose of winning Democrats away from the Administration. Tilden was in the audience, and when one of the Whig leaders asked if any one wished to reply to the Senator, a general cry went up for Tilden. The young law student accepted the invitation and effectually routed the Senator. In the campaign of 1840 Mr. Tilden took an active part, and on the 3d of October he delivered a speech at New Lebanon which made a profound impression, and is still regarded as a masterpiece in the discussion of the fundamental principles of economical science.

But his health continued to be precarious. In fact there were but rare and comparatively brief intervals during his whole life when his health was such that he could with entire confidence pledge a single hour of his time in the future. In 1841, as the time approached for his admission to the Bar, for a time he had serious misgivings about being able to stand the physical demands for a professional career. At the May term of the Supreme Court in that year he was, however, admitted and at once opened an office in New York, and from that day forth he ceased to be a burden to his parents.

After the Whigs came into power at Washington, they naturally began to agitate for rechartering the United States Bank, and to confer upon it a charter which Congress should not have power to repeal. Mr. Tilden quickly showed the unsoundness of such an attempt on the part of Congress to disable itself. His argument has never been answered, and its soundness is shown in the fact that Congress actually *did* repeal this charter subsequently, and that action has never been reversed. The indomitable pluck and spirit of the man may be seen from this excerpt from a letter to his father, dated January 20, 1842. He said: "I am, on the whole, better than for several winters before. Though on the day that I made the speech at the bankrupt meeting—I was in committee all the evening and kept up late by Mr. Ward's business—I was fagged, and the next night was at a party at Mr. Butler's, and then editing the *Post*, I became a little worn. All that is now done, and I am in the usual trim again." Fagged, indeed! Here is a fine illustration of the triumph of mind over matter.

On the 10th of April, 1842, Mr. Tilden's father died. It was a very great loss to him in many ways. Father and son were devotedly attached to each other. Elam Tilden was a man of superior capacity and enjoyed the acquaintance and friendship of many of the leading men of the State. His house has been already mentioned as a favorite place of meeting for the famous Albany Regency. Not only to show his standing, but as a vivid picture of the limited means of the greatest public men of that day, the following excerpt from a letter written to him, from Washington, by Silas Wright, then United States Senator, is of great interest. Elam Tilden had written to President Van Buren, suggesting the nomination of Senator Wright for Governor. Van Buren showed the letter to Wright and the latter wrote his thanks, but declined to act upon the suggestion. In the course of his reply, dated July 3, 1840, he said: "I have been, as you know, in public life almost since I became a man of business at all. I was not worth \$500 in the world when I was elected to the Senate of our State in the fall of 1823. * * * I have really had no private business during the whole period since, and my opportunities to make property, therefore, have been merely those which my official compensations have placed in my way. I have lived prudently, or endeavored to do so, and I consider

myself now worth about \$8,000. Located where I am, and pursuing the style of living which I have always preserved, and having no family but my wife, and owing no debts, I am quite independent; but make me Governor, and it will require from \$5,000 to \$6,000 to furnish a house for that officer in a manner due to the office, an expense which I cannot defray without going in debt to three-quarters of the amount. I know from Governor Marcy that the salary, with great prudence, will just about defray the expenses of the Governor's house for the term, and cannot be made to do more, the rent being paid by the State. At the close of the term, then, all my property, very nearly, if not entirely, would consist of worn furniture for which I should have no use, and I should be left without other means, not to live in the quiet and retired manner I heretofore have, and now do, but to support the standing of an ex-Governor of New York. In other words, I should be left a political pauper, a character which it has been the most anxious effort of my life to avoid. This is one of my reasons.

"The second is not less strong. My wife was taken from the country, and has been bred up and always lived there, and is most exceedingly averse to being placed in any situation which shall require from her the discharge of duties to which she does not consider herself fitted either by education, habit, or feeling."

This is certainly a picture worth preserving, for Silas Wright ranks among the greatest men who have figured in the public life of the State of New York. The financial outlays of the Governor's mansion, which formed so strong an objection with Governor Wright, and which he set forth with such simple pathos, are no longer required, the State having provided an executive residence at Albany, and it was the son of Elam Tilden, to whom this letter was addressed, who was its first official occupant.

The Democratic National Convention of 1844, in which Mr. Van Buren appeared to have an assured majority of the delegates, refused him the nomination, which was given to James K. Polk, of Tennessee, very much to the surprise of the nation and to the intense disgust of the Democracy of the State of New York. The split in the party, which had long been threatened, now became pronounced. Mr. Tilden belonged, of course, to the Van Buren wing. There can be no doubt that

his indignation was as hot as that of any other man, but he was a man who was never carried away by impulses into foolish performances. To use a homely slang phrase of great expressiveness, as one of our American humorists said of George Washington, "he never slopped over." He had become a recognized force in the party, at Washington as well as in New York. He saw that to revolt was to bring political ruin to Mr. Van Buren's friends as well as to the ex-President himself. Therefore, with that practical sagacity which never deserted him, he saw that the only hope of his friends and himself was in making Mr. Polk owe his election to them, by giving him the electoral vote of New York. To do this, it was essential, in the first place, to nominate Silas Wright for Governor. No other Democrat could confidently be relied upon to carry the State. It was a great sacrifice for him to leave the Senate, where he had become not only a power, but the unquestioned leader of his party. He had peremptorily declined the nomination for Vice-President, which had been given him. That he did not desire the Governorship he had clearly shown in his letter to Mr. Elam Tilden, before quoted. But Mr. Tilden undertook the task and succeeded. The young man with the clear vision prevailed with the older statesman, and now that Senator Wright had consented to run, no stone must be left unturned to make the sacrifice accomplish its purpose.

Mr. Tilden, consequently, devoted himself to the campaign and, although it was not recognized at the time, there can be but little doubt in the light of the later revelations of his unrivaled political generalship, that the victory in New York and, through that, the victory in the nation, was the work of this astute young Democrat who had induced Silas Wright to run for Governor, and who had shaped the campaign upon successful lines. One of his most important moves was to found and manage a daily newspaper in the city of New York. Mr. Tilden had to the end of his days a firm faith in the supreme value of the press as an aid to the success of a political party, and he had illustrated the soundness of his belief in the election of 1844.

The Democratic National Convention of 1844 was the first one in which the slave power appeared prominently as an aggressive force. This was really the power which defeated the nomination of Van Buren. That this power had now fully determined upon its policy of rule or

ruin became steadily clearer until the day when it broke out in armed rebellion. The new President ignored Van Buren and his friends. Instead of appointing Silas Wright Secretary of the Treasury, he selected as the New York representative in the Cabinet William L. Marcy, the leader of the "Hunkers," who received the portfolio of Secretary of War. Mr. Tilden was tendered the position of Naval Officer at the Port of New York, said to pay \$20,000 a year. He was poor, and he could not have hoped for any such income from his profession for many years. But he promptly declined the offer, stating that he did not labor for the election of President Polk to push his own interests. The two factions of the Democratic Party in New York, popularly known as "Hunkers" and "Barnburners," "Hardshells" and "Softshells" or later as simply "Hards" and "Softs," were now formed, and continued until the rise of the modern Republican Party.

Marcy and Wright were the heads of the respective factions, or wings, although ex-President Van Buren was really at the head of the Softshells. For the time being, however, it was a fight for supremacy between Wright and Marcy. The question was which of them should be forced out of public life. Tilden naturally sided with Wright, and at his special instance accepted a nomination to the Assembly, which was followed by an election. This was his first experience in any legislative body, but he was a valuable and influential member, notwithstanding, and as Chairman of a committee which settled the threatening "Anti-Rent" war, he gained much prominence. While still a member of the Assembly he was elected to the convention elected in 1846 to revise the State Constitution. Here, again, he was a man of mark and received great consideration. He was especially familiar with questions of finance and the canals, both of pre-eminent importance and, at the same time, about which the greater portion of his colleagues were much less competent to deal. With the possible exception of Michael Hoffman, a very able Democrat from Herkimer County, no member had more influence in shaping the action of the convention on the canal question than Mr. Tilden, unless it was Charles O'Connor, who was on the same committee. His great specialty, however, was banking and currency. Indeed he made a fine record on this subject in the convention, and in the course of the discussions he made a remarkable speech,

in which may be found the germs of the best modern thought, after sixty years of further experience. The keynote of the speech was denying the power, under the Constitution, of any government, State or Federal, to make a legal tender of anything but gold and silver.

In 1846 Governor Wright was nominated with practical unanimity. If elected he would be the predestined successor to President Polk. But he was a man who could be neither corrupted nor cajoled, and to prevent the succession of such a powerful opponent of the further extension of slave territory to the Presidency, the influence of Polk and his Administration was turned against him and he was defeated. Nine months later this noble man, true patriot and consummate statesman died, at his home, in St. Lawrence County. He was just in his prime, and had he lived he would have played a great part in the stormy times that were just ahead.

The Administration had wrecked its party in New York and the political enemy had gained possession of the entire State government and elected a large majority of the delegation to the National Congress. The full fruit of this course did not appear until the presidential campaign of 1848. Several Southern States had adopted resolutions in their State conventions taking the most extreme ground against Congress being permitted to prohibit the introduction of slaves into Territories then free, and maintaining that slaveholders might legally take their slaves along with their other property when settling in the Territories. They further pledged themselves not to support any man for President or Vice-President who would not openly avow himself in favor of the position they had taken. On the other hand ex-President Van Buren had prepared an address which he handed to Mr. Tilden to revise, and which he did revise in collaboration with John Van Buren, and which was given to the public as an Address from the Democratic Members of the Legislature.

The Democratic National Convention met at Baltimore in May, 1848. The regular delegates, appointed by the Democratic State Convention, had their seats contested by a self-appointed delegation of Hunkers. The convention voted to divide the State's representatives equally between the two delegations. The regular, or Free-Soil delegation, of which Mr. Tilden was a member, therefore withdrew after

sending a written protest. A State Democratic Convention was called to meet at Utica, June 22d, to hear the report of its rejected delegates, which Mr. Tilden had been instructed by his colleagues to prepare. Every delegate signed it. The outcome was a Free-Soil Democratic State Convention, held September 15th, at which Martin Van Buren was nominated for President, and Charles Francis Adams for Vice-President.

The immediate effect was to divide the Democracy of New York into two nearly equal portions, which gave the electoral vote of the State to General Zachary Taylor, the Whig candidate. The vote of New York again, as in 1844 and as it has been in several later presidential elections, was decisive of the contest, Taylor receiving 163 electoral votes and Cass 127. The ultimate effect of this convention was to lead the North to accept the challenge of the South, to divide the country on new lines and to bring about the final extinction of human slavery in the United States.

Mr. Tilden, after the wreck of the State organization of his party, practically withdrew from active leadership, or even participation in politics, devoting himself to his profession, in which he attained a very high rank and accumulated a very large fortune. His only venture in politics for many years was to accept an unsolicited nomination by his party for Attorney-General of the State in 1855, but the Know-Nothing craze was then in full swing and he was defeated along with the remainder of the ticket.

While out of politics and devoting himself to the practice of his profession, Mr. Tilden won two remarkable cases, each by the sheer force of his intellect in untangling and demolishing an apparently perfect mass of evidence prepared by his opponents. These cases were the contested election of City Comptroller Azariah C. Flagg, one of his long-time intimate Democratic associates, and the celebrated Burdell murder case, in which he defeated the claim of the alleged widow to the dead man's estate through a pretended marriage. The untiring energy and the wonderful skill with which he won victory where defeat seemed certain gave him great prestige. This was increased by his management of a case between the Delaware and Hudson Canal Company and the Pennsylvania Coal Company. The perfection with which

he brought out the real facts, so that they seemed perfectly clear, from a mass of circumstances and complicated evidence which apparently made his case hopeless, brought him not only great reputation, but employment in a class of litigations from which he literally made millions of dollars from his labors as a lawyer. He did not engage in a general office practice, but concentrated his energies entirely upon cases involving great monetary interests. Limiting his practice to these, he had time to master each one thoroughly. Thus he accomplished results that seemed almost like magic, and for many years there was scarcely a case involving railroads or other large corporations in which he was not retained. Nor was his great fortune accumulated by excessive charges. They were based upon the amount of work done, and not upon the value in dollars to his client of the result. In fact he distrusted the clients who offered him excessively large retainers. And he never allowed himself to accept a contingent retainer. He always mastered his causes thoroughly, and he was always the perfect master of himself. It is said of him that "he never lost his presence of mind in court, on the platform or indeed in any assembly, nor did he ever seem surprised or embarrassed." He had an intuitive comprehension of the vital points in a case and he concentrated his force upon them. His business habits were not at all systematic. His office hours were irregular, he was not punctual and in his office was an utter lack of method. The writer of this sketch is reminded of a remark of William M. Evarts, when asked the secret of his longevity and his amazing vitality at his great age. Said he: "I do not know what it is, unless it is because I retire late, am irregular at my meals, always eat what I want to and never take any exercise." So of Tilden, his vast and varied business was all at loose ends. He rarely, if ever, endorsed or filed away any law paper or made an entry in his register. He was a life-long invalid, as already stated, but few men in the full vigor of physical powers ever accomplished as much through persistent and exhausting labor as Samuel J. Tilden. He wasted none of his strength; each blow struck aided his triumph.

When the political parties of the country divided on the slavery issue, Mr. Tilden was urgently pressed to join the newly formed Republican organization, but he declined. He thought his place of highest influence was inside the Democratic Party, and he feared the conse-

quences of dividing the people of the United States into geographical parties. He had no doubt that the triumph of the Free-Soil Party, however it might be styled, through the electoral votes of the Free States, and without the vote of any Slave State, would necessarily be civil war. He saw clearly the desperation of the Southern leaders, and he shrank from civil war. The election of Buchanan, while it postponed the armed conflict, did not give rest to the country and the slave power, during the whole of his administration, was busily engaged in strengthening its entrenchments. In 1860 he supported the Fusion electoral ticket in New York, formed by the opponents of Mr. Lincoln. That he had any sort of sympathy with slavery or with the course of its champions, it would be absurd to suppose, but he thought the rising tide of immigration would soon settle the conflict without war. He attended the adjourned meeting of the Democratic National Convention at Baltimore, and made two speeches in the convention, a very unusual performance for him.

In this matter of the probable consequences of the election of Lincoln, Mr. Tilden simply gave another evidence of that clearness of vision and soundness of judgment which was one of his pre-eminent gifts. But when the war came he felt it his duty to sustain the government and his loyalty knew no faltering. In a speech in 1866 he said that he had studied this whole question, of the right of a State to withdraw from the Union at its own pleasure, in 1833, when Madison, the father of the Constitution, was still living, and participated largely in the discussions of that period. And in these discussions it was established that Thomas Jefferson, the founder of the Democratic Party, entirely concurred with Mr. Madison in denying the right of any State to so nullify the laws as to secede from the Union. All the great Democrats of New York—Van Buren, Livingston, Wright, Marcy, as well as President Jackson—took part in the discussions and all repudiated nullification and secession, as had Madison and Jefferson. Though never what was generally styled an Abolitionist, neither was he ever the advocate or apologist of human slavery. In the questions growing out of the annexation of Texas and the territory acquired from Mexico he was in favor of everything possible to exclude slavery from free territory. Again, in 1854, he was open and decided in his opposition



to the repeal of the Missouri Compromise. In the discussions after the election of Lincoln, when many strong Republicans favored letting the seceded States go, Mr. Tilden contended that peaceful separation was an illusion; that the questions in controversy would be rendered infinitely more difficult by separation, and new ones still more difficult would be created; that if the antagonized parties could not agree upon peace within the Union, they certainly would not have peace without the Union—they never could agree upon terms of separation, nor could they agree upon the relations to subsist between them after the separation; and, however lamentable might be the consequences, force could be the only arbiter of their differences.

After the attack on Fort Sumter Mr. Tilden, with his usual clear-sightedness and far-sightedness said, at a meeting at the residence of General Dix, that "the prevailing estimate of the impending war was, in his judgment, entirely incorrect; that it could not be a small war; that, instead of seventy-five thousand men which had been called for by the proclamation of the 15th of April, five hundred thousand at least ought to be enlisted—two hundred and fifty thousand for immediate service, and the remainder to be put in camps of instruction; that it was idle to hope to get on, except at unnecessary sacrifice, without the advantages of discipline and without preparation on a scale commensurate with the territorial proportions of the belligerents."

And during the week preceding and the week following Mr. Stanton's assuming the duties of Secretary of War, and at his invitation, Mr. Tilden had frequent conferences with him, at the first of which he said in substance: "You have no right to expect a great military genius to come to your assistance. The whole human race have been able to furnish such men only once in a century or two; you can only count on the average military talent; you have three times the available population and perhaps nine times the industrial resources of your antagonist; though you occupy the exterior line, you have an immense advantage in the superior capacity of your railways to move men and supplies. What you have to do is to make your advantages available; you must make your combinations so as to concentrate your forces and organize ample reserves to be ready to precipitate them on critical points. In the probable absence of military genius you should rely on over-

the government, while retaining the liberty of criticising such of its measures as seemed to him to be unsound or unwise.

Mr. Tilden's first public employment after the close of the great civil war, was as a delegate to the convention called to revise the Constitution of New York in 1867. He was an influential member, it is needless to say. The speech he made against a proposed enlargement of the Erie Canal attracted much attention. He foresaw the waste and jobbery that the scheme would cause, and maintained: "It is an enlargement of the capacity of the men who administer the canal, which is now wanted, and not an enlargement of the canal." The experiment of enlargement, made under Republican management twenty-seven years after, showed again the prophetic power of his insight and of his common sense.

In the course of a discussion in the convention, a Republican delegate made imputations that Mr. Tilden and those who acted with him on the finance committee, sympathized with the Rebellion. Mr. Tilden made a scorching reply to this base calumny. He said that when he was asked at the outset of the war to take some part in the public measures in the city of New York relating to that subject, he had answered that he would give to the public agents, although elected by the opposite party, although he was unable to influence their policy, a support as full, as fair, as candid and as liberal as he would have given to Andrew Jackson if he had been in the presidential chair in place of Mr. Lincoln, and that during the entire war he had never deviated from that position. The proposed new Constitution prepared by the convention was defeated at the polls.

Mr. Tilden had scarcely finished his labors in the Constitutional Convention, when he became engaged in the titanic struggle to overthrow the combination of corruptionists in the municipal government of New York City, familiarly known as "The Tweed Ring." The ring was entrenched in what not only its members, but the public generally, considered an impregnable position. This ring, like all the others that do business on an extensive scale, was entirely devoid of such a narrow thing as partisanship. Large-handed, long-fingered thieves of both political parties had a share in the "swag." Indeed, legislative bodies in which each party held control participated in the plunder. While the

actual stealing was the work of Democratic scoundrels in New York City, they operated under privileges granted them by Republican scoundrels who controlled legislation at Albany. The combination is said to have robbed the city treasury, through fraudulent bills, of the sum of \$12,250,000 in 1870, and of \$3,400,000 in 1871. It must be said, however, in explanation of their apparent remissness in the latter year, that Mr. Tilden was on their trail and they had to be more guarded. The courage and the tenacity of the fight by which he overthrew the robbers and landed most of them in prison makes a heroic story and one that gave him a national and a permanent fame. The full history of this struggle is too long for this narrative, but any sketch of Samuel J. Tilden would be incomplete without some account of his marvelous work.

In the beginning there was nothing more than suspicion. The municipal outlays were astoundingly large, without corresponding visible results. At the same time certain municipal functionaries were reveling in such extravagance and luxury that "rolling in wealth" is a phrase that would but faintly describe it.

There was obviously some connection between these two facts, and at last it was given to Samuel J. Tilden to discover it. The corruption had proceeded so far that the Bar, and even the Bench, had become involved, and this fact had much to do with sharpening Tilden's sword and strengthening his determination to uncover the frauds and see that punishment was meted out to the thieves. He fought and overthrew the ring in a fight for the control of the Democratic State organization. He also directed his most earnest efforts toward dislodging the corrupt majority through which the ring controlled the State Legislature. The ring felt Tilden's influence and feared it still more. He was approached and almost all possible inducements were held out to him to persuade him to discontinue his relentless work. To use his own words: "A great many times that offer was repeated, and everything was tendered me except the Senate and Assembly of the State of New York, but I said that *everything else was of no value for them to give, and of no value for me to take; whatever else I might compromise, the legislation to affect the city government I could not compromise, and I would not.* I told the State Convention—being the nominal head of the Democratic Party of the State—for the sake of perfect frankness



and distinctness, and in order that I might not be misunderstood—I told them that I felt it to be my duty to oppose *any man* who would not go for making the government of this city what it ought to be, at whatever cost, at whatever sacrifice. If they did not deem that ‘regular,’ *I would resign as Chairman of the State Committee and take my place in the ranks of my plundered fellow citizens, and help them to fight their battle of emancipation.*”

These tones are not of the time-server, nor even of the politician. They are the tones of a bold and determined patriot, and that is what Samuel J. Tilden proved himself to be, in every emergency. He was no trimmer, no seeker after popularity or selfish advantage, where the public service was concerned. On the contrary he was always the resolute and fearless champion of that for which, according to the American theory, all governments are instituted—the well being of the governed. That a person who had done wrong to the public ought to be sheltered and excused if he happened to belong to his own political party, was a doctrine of political ethics which he opposed with all his might.

In order to properly estimate the moral courage and civic devotion of Mr. Tilden in his overthrow of the Tweed Ring, and afterwards of the Canal Ring, it should always be kept in remembrance that such combinations are generally not only tolerated, but even looked upon with favor, and actually encouraged, by political party leaders and bosses, for it is from such sources that the heaviest contributions to the party campaign funds are often secured. And in this instance, it was not alone campaign funds that were at stake, but the very party organization in the great city whose overwhelming Democratic majority gave the only reasonable ground to hope for a Democratic majority in the State.

It has been well said that “a party in power is naturally disposed to risk the continuance of abuses rather than hazard the extreme remedy of ‘cutting them out by the roots.’” Mr. Tilden had neither office nor patronage to confer, nor to promise, but he appealed to what the ordinary politician generally neglects, the moral forces of the community. In his greatest victories at the Bar he had discovered, and acted upon, the fact that truth is always harmonious and is irreconcilable with error.

While he did not by any means see all the steps of the way, the end he was seeking was perfectly clear, and he pushed the fight without any shadow of misgiving.

All this time Mr. Tilden had no actual, concrete facts to work on; he possessed only his shrewd deductions from the general status of things. But at last the wrongdoers, who were inevitably apprehensive when they found this sleepless and inexorable foe determined to expose and punish them, became more or less demoralized and panic-stricken, and the impulse toward self-protection and, indeed, self-preservation, became too strong to be resisted. A clerk in the office of the City Comptroller copied a series of entries from the official books, and handed them to the press for publication. They showed the dates and amounts of certain payments made by the Comptroller, the enormous amounts of which, compared with the times and alleged purposes of the payments, and the frequent recurrence of suspected names, gave the strongest presumption of gross frauds. Mr. Tilden was, of course, at once struck with this and called upon the city officials for explanations. These attempted explanations were so obviously futile that he began to comprehend that the public treasury had been systematically looted by frauds far greater than he had even suspected.

On the 14th of September, Mr. Connolly, one of the "big four," popularly so-called, the others being Tweed, Sweeney and Mayor A. Oakey Hall, applied to Mr. Tilden for an interview. It was granted, and finally Connolly was induced to virtually turn his office over to Andrew H. Green, by deputizing Mr. Green to exercise all its powers. This gave Tilden the records, to prove the rascality of the ring, prevented their destruction to destroy evidence and it also put a summary stop to the stealing. The work now made rapid progress. At length Tweed and several of his confederates were condemned and sent to prison, and many millions of dollars of their plunder was restored to the city.

In the State Convention of 1868 to send delegates to the Democratic National Convention, Mr. Tilden strongly denounced the irritating policy pursued by the Republican National Administration, and the waste of life and property in the prosecution of the war. He also made a forcible argument against universal negro suffrage. In the National Convention Mr. Tilden's old and warm friend, ex-Governor Horatio



Seymour, was nominated for President. It was done against his declared wishes, but he was at length persuaded to accept the nomination. Tilden gave him an earnest support, but the war feeling was yet very strong, and the Republicans had taken advantage of it by nominating General Ulysses S. Grant. The Southern States were, politically, still in a more or less chaotic condition, and in several of them United States troops were still stationed, to assist in the work of reconstruction. Grant was elected, but Seymour received the electoral votes of New York. In the interim before the presidential election of 1872, Mr. Tilden gave his attention to his professional business. In the contest of 1872 he supported Horace Greeley, who had been nominated by a large convention of so-called "Liberal Republicans," who were dissatisfied with the administration of General Grant. In fact Grant had proved a disappointment in the Presidency, and there seemed a good chance to defeat his re-election, but this was thrown away by the nomination of Greeley, who was afterward accepted also as the Democratic candidate by the National Convention of that party. The Democrats were divided throughout the country, in some States almost as badly as they had been in New York in the campaign of 1848, and Grant's majority was overwhelming. Greeley died before the electoral colleges met, and the electors chosen for him divided their support among several candidates.

At the same election the Republicans also elected General John A. Dix Governor of New York.

The outlook for the Democratic Party had never been so dark in a time of peace as it was after the presidential election of 1872. It had not only been beaten, but divided and apparently crushed. But both in the State and in the nation the Republican régime made a great failure. Unsavory politicians of the dominant, and apparently invincible, victorious party crowded to the front and there was a regular carnival of corruption. The people were ripe for revolt but, as in all such cases, efficient leadership was the great, the vital need. Mr. Tilden spent the summer of 1873 in Europe, and found upon his return that there was a very strong sentiment in favor of making him the Democratic candidate for Governor against General Dix. In spite of his activity and prominence in politics, he had never sought and had rarely accepted public office. In fact the sum total of his experiences in that direction had

been in the lower House of the State Legislature and in the two State constitutional conventions. Indeed, Mr. Van Buren had been heard to say that Mr. Tilden was the most unambitious man he had ever known. His profession had yielded him ample fame and an ample fortune. He was recognized as a statesman of the highest order, a sincere and unselfish patriot, a leader of undaunted courage and unsurpassed ability. He had the respect and the confidence of the best citizens of all parties, and his counsel was eagerly sought in all matters of great public importance. Official station, even the highest, had but little to offer him aside from its opportunities for usefulness. And even in the sphere of public usefulness in which he saw such need of thorough and laborious effort, he was sure to encounter the enmity of powerful antagonists strongly entrenched. He was certain to become the target for personal abuse in the newspapers controlled by his adversaries, and to incur the envy and hostility of eager rivals and bitter competitors. His nomination was by no means a certainty, for in his warfare upon the Tweed Ring he had aroused many antagonisms in many quarters. Even so old and tried and true a friend as Horatio Seymour could offer him but little encouragement except that "the crown of martyrdom is a glorious one."

But no other Democrat, measuring up to the emergency, seemed to care to take the risk of running against Governor Dix, who had been elected two years before by a plurality of 53,451, and who was, as far as any one could see, entirely acceptable to his party. And, more than all, the very cause of reform had apparently come to a halt. The people had begun to lose confidence in the practicability of uprooting abuses. To accept the nomination himself would silence the cry of his enemies that he did not dare to go before the people of the State and submit his record, as the prosecutor of Tweed and his allies in city and country, to the popular judgment. He felt that the moral effect of his election as a smasher of corrupt political rings would be a very wholesome thing for the country at that juncture, as other States needed encouragement and inspiration in that direction as much as New York. Indeed the National Government itself, with its Whiskey Ring and other frauds and abuses, seemed to need a striking example of successful honesty as urgently as any State.



The trend toward Tilden's nomination became so strong that the canal jobbers tried to discourage him from accepting it. They also claimed that his unpopularity in the city, on account of the ring prosecutions, would weaken him. They therefore urged that the nomination be given to Chief Judge Sanford E. Church, of the Court of Appeals, or his kinsman, Judge Allen. Judge Church had, earlier, refused to let his name go before the convention, but as the prospects brightened he became anxious for the nomination, and Tilden was urged to give way in his favor. This Tilden refused to do. He knew Church's limitations and determined that, whether he were nominated or not, Church should not be.

The convention met September 17th and Tilden was nominated without serious opposition, and with great enthusiasm, on the first ballot. His nomination was received with great favor by Democrats, and with marked respect by the New York *Tribune* and other leading Republican newspapers. General Dix was classed by them as Tilden's equal in character and ability, but this did deceive the people. Dix had been a trimmer and a time-server, shifting repeatedly from one party to the other to secure office, and to class him with a man of Tilden's stamp was absurd. The voters knew that fact, and Tilden beat Dix 53,315 votes, almost exactly the plurality of 53,451 which had been received by Dix in 1872.

The victor gave his own interpretation of this remarkable personal triumph in an interview with a representative of the New York *Tribune* the day after the election. He said: "The people are beginning to think that it is time to have a real peace in the United States. It is now ten years since the conflict of arms closed; but we still have the financial system and the taxation which grew out of the period of war. The Grant Administration subsists upon the passions and hatreds that were engendered by the war. * * * The country feels the waste of capital during the war; it feels the reaction, the false system of finance, the burdens of debt, and the blight of excessive taxation. The inevitable evils of the situation are increased by the policy of the government toward the States of the South. How can we * * * hold the people of those States by force and by terror under such a dominion as the 'carpet-bag' governments, maintain there the most gigantic and auda-

cious system of robbery ever known among civilized people, and not expect that these wrongs would react upon our own prosperity? The whole spirit of the government policy is founded on the illusion of a false prosperity, which could not but break and spread fragments of ruin around us. Everything since the war has been fictitious. The people were taught, after four years of havoc, in which millions of human lives were lost and at least five thousand millions of dollars of property destroyed, that we had been all the time growing richer. This tended to satisfy the people with the existing policy of the government, and to keep in office the men who held the power. It deluded the people into allowing a continuance of public expenditures that was unnecessary and extravagant, fat jobs, distribution of plunder to favorites, costly establishments which ought to have been cut off, hordes of office-holders and dependents, unjust and oppressive systems of taxation, adopted not to raise revenue with the least sacrifice to the people, but to promote the selfish interests of favored classes. The waste of capital during the ten years since the war occasioned by this policy would be equal to some years of the ravages of actual war. The people are now waking from the illusion."

The practical sagacity of Mr. Tilden was shown, upon his election to the Governorship, in his policy of recruiting from the younger men of the State. The party leaders were mostly old men, inured to defeat for so many years as to have lost the spirit and courage which wins victories. He therefore welcomed young men into positions of leadership, bringing new and warm blood into the party, young men who had not been demoralized by repeated defeats nor by bad examples. One of his epigrams was: "Old men grunt, young men lift." The one question of human slavery, and the war and, later, questions growing out of it, had obscured all other matters from view so, as Mr. Tilden said, "We had almost ceased to educate young men to do their part in human society towards carrying on the functions of government. * * * I have been one of those who, amid periods pregnant with despondency, still retained that trust in the body of the American people with which I began life. I did not incline to censure those who sometimes felt despondent. But I myself never lost courage; never lost my belief that the element of human society which seeks for what



is good is more powerful, if we will trust it, than all those selfish combinations that would obtain unjust advantages over the masses of the people."

On New Year's Day of 1875 Mr. Tilden was inaugurated Governor. Many illustrious men had preceded him in that great office, but no one of them had ever brought such a complete mental and moral equipment for the work in hand. He had often deplored measures of the Democratic Party, but had always given it his adherence, from the conviction that this great, historic organization had a truer grasp of the principles making for and conserving the rights and interests of the American people than any of its rivals. The Legislature was divided, politically. The Senate had been elected in 1873 and had a majority of Republicans, while the Assembly, chosen in 1874, had a majority of Democrats. His message was a great state paper and one that produced a profound impression throughout the country. It foreshadowed three leading principles:

First. Reform in administration.

Second. Restoration of the financial principles which triumphed in the election of Jackson and Van Buren, and left the country for the first time in its history without a dollar of indebtedness, and with unrivaled credit.

Third. The cordial and unconditional acceptance of the Amendments to the Constitution growing out of the great civil war and securing the settlement of the issues it had decided.

In this first message, Governor Tilden reiterated his views, already given upon the great mistake of issuing the "greenback" irredeemable currency during the war, and devoted much attention to other matters connected with the subject of finance, of which he was an undisputed master.

The great event of his administration as Governor, however, was his uncovering of the enormous frauds in connection with the State canals, and the exposure of the thieves who had for years been systematically robbing the public treasury. He presented the case against the Canal Ring to the Legislature in a special message, March 19, 1875. He had first, however, secured the passage of such legislation to discover and punish official delinquencies as he desired. The Canal Ring was com-

posed of members belonging to both the great political parties, so that it had powerful friends at court, no matter which party might happen to be in power at any particular time. Its members had been able to accumulate large wealth through plundering the State treasury as contractors. There were also a number of henchmen, appointed by the ring's influence as agents of the State, who certified to the amount of work alleged to have been performed, and audited and paid the bills for the same. At the time Tilden throttled the conspiracy, the chief managers were Messrs. Denison and Belden, of Syracuse. The former looked after the Democrats and the latter after the Republicans, and they were thus prepared for any political emergency. It was said of this pair that "Denison furnished the rum and the Democracy, and Belden the hypocrisy and the Republicanism." They had contactors and other agents and tools in the Legislature, men who had been placed there through the influence and the money of the ring. Mr. Tilden was thoroughly posted as to the power and methods of operation of this conspiracy for plunder, for he had more than once tried conclusions with it, but when not defeated by the thorough organization and the skilfully prepared evidence, his victories had cost substantially all they were worth from a financial standpoint.

Here, therefore, as always and everywhere, he was not laboring under any illusions. He did not make the fatal mistake of underrating the power of his adversaries, their skill or their resources. As soon as he was elected Governor he began to collect the evidence for the contest before him. He employed a competent engineer, in whose capacity and integrity he had implicit confidence, to visit those portions of the canal upon which contract work had been done during several years immediately preceding, instructing him to take down enough of the walls to ascertain the amount and character of the work that had been paid for, and then to compare this work with that for which the contracts had called, and for which the contractors had been paid by the State. This investigation was managed so discreetly that no suspicion had been aroused, and the results had been laid before the Governor before, or very soon after, his inauguration.

Governor Tilden had, indeed, prepared everything with his usual thoroughness and when he prepared his message on the subject, it was not



based upon suspicion or mere surmises, and the investigation demanded was no mere dragnet cast out with the hope of landing something. On the contrary this remarkable document, which startled both the Legislature and the State, set forth in detail the fraudulent processes through which for an indefinite period of years the State treasury had been robbed, officials had been debauched, politics demoralized and the State's credit impaired. His opening statement was one which immediately fastened the attention of the reader. In it he said that for the five years preceding his election the sum paid for repairs on the State canals had cost the State over five millions of dollars more than the revenue received from them in tolls. He then cited ten cases in which, at the letting of the contracts, the bids of the contractors called for an outlay of \$424,735, while the State had actually paid the enormous sum of \$1,560,769. He laid bare the evolution of such a system of gigantic robbery as follows: "The interest which fattens on abuses of public expenditures is intelligent, energetic, and persistent, acting as a unit; it takes part through its members in the organization and the doings of both political parties; seeks to control nominations; rewards friends; punishes enemies; and it begins to operate by every form of seductive and coercive influence upon public officers as they are elected."

It was a bold move, a defiant challenge. Thirty years before, that illustrious patriot and statesman, Silas Wright, in a similar contest with the baser elements of his party, had been stricken down, and exiled from public life. Tilden was aware of this fact and aware, also, that the resources of the enemy he had attacked were many times greater than those which had proved fatal to his predecessor. It was certainly a striking instance and example of the heroic in politics.

The reluctant Legislature was forced to yield to the Governor's demand for an investigation, and he was authorized to appoint a committee for that purpose. To break the effect of any findings which this committee might present, the canal interest induced the Assembly to create another commission of its own, to ostensibly discharge the same duty. The purpose of this scheme was soon disclosed by an application from the members of this new commission, based on various plausible pretexts, to be adjoined to the commission appointed by the Governor. The ring promptly discovered, however, that it had to deal with

an executive who was not to be cajoled, who united to indomitable courage a craft and skill fully equal to its own.

The commission, of twelve members, set to work, and during the summer of 1875 and the following winter, it handed in twelve reports, which fully substantiated all the Governor's charges and a number of indictments, nearly all of them against members of the Governor's own political party, were found.

It was a grand triumph, not only for the State, but for Governor Tilden, personally. One of the leading Republican newspapers in the western part of the State hit off the situation in this way. It said: "Governor Tilden weighs only one hundred and thirty pounds, but the canal ring entertains the view of him that the boy did of the mule, 'How much did he weigh?' Said the boy, 'Well, I only weighed one of his hind legs, and I calculate that weighed about 7,000 pounds.' "

The Governor next recommended the creation of a commission to investigate and report upon a plan to curb the inordinate growth of indebtedness by the municipal corporations of the State. Its labors were not, however, productive of any result. It presented a plan, including the establishment of a Board of Audit in each municipality, the members to be voted for only by taxpayers or owners of property to a limited amount, and this "property qualification" proved fatal to its adoption.

Some time before the meeting of the Legislature a squad of United States soldiers had been directed to enter the hall of the Legislature of Louisiana, while that body was in session, and remove five of its members. There was also an effort made to try and execute these members through the process of a military commission. This outrage, although approved, if not actually instigated, by the administration at Washington, naturally excited intense indignation throughout the country. Governor Tilden made the matter the subject of a communication to the Legislature soon after it assembled, in which he recommended that the Legislature should condemn this assault "by a public reprobation which shall make it memorable as a warning to all future officers of the State and army." This outrage doubtless had a considerable effect in securing his great majority when a candidate for President, two years later.

In the summer of 1875 Mr. Tilden yielded to a general desire in the

western part of the State that he should make a tour through the canal counties. He left Albany on the 8th of August and went direct to Buffalo, where he accepted an invitation from the Board of Trade to a public reception on the 10th. He was cordially received all along the route, and on his return he gratified a large crowd at Syracuse, which had been the headquarters of the canal ring, by making an address from the platform of his car. He was serenaded at Utica, where he stopped over night and here, also, he delivered a brief address. He was greeted with large crowds, salutes of cannon and bands of music at all the leading stations, responding briefly, and at Albany he received a general welcome from the citizens who were gathered in the Assembly chamber to receive him.

This tour was, of course, a large topic for the newspapers, not only of New York, but of the entire country, and Governor Tilden at once began to be prominently mentioned for the Presidency in 1876. As a specimen of the newspaper comments on this trip, we give the following from the *New York Nation*, not a party organ, by the way. The *Nation* said: "Mr. Tilden has been making a sort of progress through the State, addressing crowds in the towns through which he passed, on the subject of reform. He has spoken very plainly about it, and told his audiences that what was meant by reform is not electing 'straight-out' Democrats, nor Jefferson Democrats, nor 'rallying,' nor 'wheeling into line,' nor even hurling the corrupt centralizer from power, but the election of honest men of whatever party to do the work of the government. His remarks seem to have struck the assembled multitudes very favorably, and it would appear from their manifestations of approval that this is just the sort of thing they mean by reform themselves."

An election for State officers was to take place in November, 1875, and already the presidential election of 1876 began to loom up large on the political horizon. The fearless integrity of Governor Tilden and his marvelous skill in unearthing official corruption and bringing public thieves to justice, made him easily the foremost man in public life. The eyes of the nation were turned to him, as the invincible and incorruptible patriot to whom should be entrusted the gigantic task of letting in the light upon the festering mass of corruption in the general government, which had grown up under the great Civil War and the tax system

taxes levied by the Federal Government annually exceeded \$80,000,000; that the Federal Government controlled the currency and banking of the whole country; that it was the principal dealer in the precious metals; that it "regulates" the supply and rates of the loan market, the terms of our foreign exchanges, the prices of our exports and imports, the quality of our circulating medium, and in addition to this exerts a natural and powerful ascendancy over public opinion through its peculiar and exclusive means of propagating ideas in sympathy with the methods according to which its own operations are conducted. He also suggested a prompt resumption of specie payments, which was marked by his usual clearness and force.

The opposition to Governor Tilden's nomination as the Democratic candidate for President was active as the time for the election of New York's delegates to the national convention drew near. They tried to prevent the instruction of these delegates to support his nomination, but it was all in vain. Governor Tilden's friends were in a large majority in the State convention, and in the delegation appointed to the national convention, and to make things secure ironclad instructions were given the delegates to vote as a unit.

The Democratic National Convention met at St. Louis, June 27th. Colonel Henry Watterson, of Kentucky, was elected temporary chairman and General John A. McClernand, of Illinois, permanent chairman. Both were staunch friends of Governor Tilden. There was but one ballot necessary. It resulted:

Whole number of votes.....	738
Necessary to a choice, two-thirds.....	492
Samuel J. Tilden, of New York.....	535
Thomas A. Hendricks, of Indiana.....	60
Winfield S. Hancock, of Pennsylvania.....	59
William Allen, of Ohio.....	54
Joel Parker, of New Jersey.....	18
Thomas F. Bayard, of Delaware.....	11
Allen G. Thurman, of Ohio.....	2

Governor Thomas A. Hendricks, of Indiana, who was the only formidable rival of Mr. Tilden, was nominated for Vice-President.

The platform was strong and uncompromising in its demands for reform, and if not actually dictated by Mr. Tilden, it certainly spoke his voice, and foreshadowed the kind of administration it was his purpose to give the country.

In the evening of the day of Mr. Tilden's nomination he was serenaded at the executive mansion, and made one of his thoughtful and earnest addresses. In it he said: "The government no longer exists for the people. The people exist for the government. Our centennial products are the evils, license, and wrongs, to escape which our ancestors abandoned their homes in the Old World and planted themselves in a wilderness. Now, I ask, what is the remedy for these public evils, for this private distress, for this disorder in business which carries suffering into every household? It is comprised in one word—Reform!"

In a conversation with James C. Carter, Esq., the eminent New York lawyer, during a drive on the day of the convention, he had remarked as one of his objections to the Republican Party that it was a party of self-seekers. He explained that he did not mean this in any offensive sense; that he meant that the controlling men of that party were men of large pecuniary interests, seeking to build up fortunes and families; that these personal interests were so large as necessarily to engross their thoughts and control their opinions, leading them to use their powerful influence so as to shape the legislation of the country in a form which would favor those interests; * * * that the Democratic Party held within its ranks a far less number of men of this description—not enough to control its action—and consequently the opinions of its great masses could be more easily shaped and moulded by the mere force of ideas; that this was the distinction between the former Democratic and Whig parties, and that the Republican Party would, as the patriotic inspirations caught from the opposition to slavery and the defense of the Union died away, become the mere successor to the spirit and policy of the Whig Party.

The nomination was a very popular one, hailed with satisfaction, indeed, by pretty nearly everybody except the predatory plunderers of the people who feared that Tilden's election would surely mean the bringing of them to judgment.

In his brief speech of acceptance to the committee which gave him

formal notice of his nomination he closed with this sentence: "If your choice should be ratified by the people at the election, I should enter upon the great duties which would be assigned to me, not as a holiday recreation, but very much in that spirit of consecration in which a soldier enters battle."

The presidential campaign of 1876 was one of remarkable bitterness. The Democrats assailed the favoritism, mismanagement and corruption of Republican rule in general, and of Grant's administration, with its multitude of scandals, in particular. The Republicans, on the other hand, their leaders and managers filled with fear at the prospect of having such a keen, strong, uncompromising enemy of dishonesty as Mr. Tilden look over the books, were fairly frantic. He was charged with everything imaginable, from ill-health to dodging his income tax. But all they could do proved unavailing. The Tilden tide rose steadily and irresistibly swept all before it. His majority in the popular vote was 264,300. He had carried all the Southern States, and also New York, New Jersey, Connecticut and Indiana in the North, giving him 203 electoral votes to 166 for Hayes.

The conspiracy by which the American people were defrauded of their choice, fills the blackest page in the history of American politics. The story of the crimes, perjury, bribery, intimidation and forms of rascality with which this infamy was achieved, is a long one. But it may be briefly summarized as follows: On the morning after the election the victory of Tilden and Hendricks was practically conceded by all the Republican newspapers in the United States, the Republican National Committee, and politicians generally. The first move was made by the *New York Times*, at that time the most prominent Republican organ in the country, which set up a claim, in its issue on the morning after the election, that the result was in doubt. It claimed South Carolina and Louisiana, which Tilden had carried by large majorities, which made a showing of 181 electoral votes for Hayes, and 184 for Tilden. The vote of Florida was declared to be in doubt. Urgent dispatches were sent to the Republican managers in the three States, and also in California, Nevada and Oregon, directing them to "claim everything." Each State was also told that the election of Hayes depended upon the vote of that State.

Then the machinery was set to work by which, through infamous "returning boards," every one of these States was given to Hayes, raising his electoral vote to 185, as against Tilden's 184.

The leading spirits in the concoction of this infamous robbery appear to have been Zachariah Chandler, of Michigan, long a Senator of the United States, and at that time the chairman of the Republican National Committee, and William E. Chandler, of New Hampshire. There was a large following of big and little scoundrels, givers and handlers of money for bribery and any other needful crime, a great array of perjurers and villains of every degree. Promises of official positions under the Federal Government were given with a lavish hand. It seems so disgraceful as to be incredible, but these promises of reward for committing perjury were afterwards fulfilled by Hayes, several of these unspeakable liars and villains being appointed by him to lucrative federal offices.

But however base and unworthy the tools, they made so sure of their work that returns from all the disputed States were sent to Washington, having a pretence or semblance of regularity, certifying that the electoral vote of each State had been cast for Hayes. The electors, on the other hand, actually chosen but counted out by fraud, abetted by intimidation and perjury, met at the appointed time, cast their votes for Tilden, and these returns, also, were duly certified and sent to Washington.

Then followed such a period of uncertainty and excitement as the country has never known except during the dark days of the great Civil War. Indeed it seemed as though another civil war were impending, in which the dividing line between the combatants should not be the line separating sections, nor States, but should run through counties, cities, communities, even through families.

The Constitution provides that the two Houses of Congress shall meet and count the electoral votes. The Republicans contended that this meant that the certificates from the States should be opened and announced by the president of the Senate, as the presiding officer of the joint session to determine and announce the result. This would give him the power, where more than one return should have been received from any State, to determine which one should be announced and



counted. The Democrats, on the other hand, contended that the powers of the presiding officer were merely ministerial, that he should present all the returns in his possession, and the two Houses should decide which should be received and counted.

The Republicans had control of the Senate and the Democrats had control of the House of Representatives. If both Houses had to concur in receiving any vote, the Democrats could throw out the fraudulent ones; while if the Vice-President could determine which should be counted, it was reasonably sure that those in favor of the Republican candidates would be presented. That the Democratic position was sound is admitted by all reputable constitutional lawyers.

Finally it was agreed that each House should select seven members who should act together in preparing a measure for counting the electoral votes. This committee reported a bill for the appointment of an Electoral Commission, to be composed of five Senators, five Members of the House of Representatives and five Associate Justices of the Supreme Court, to which should be referred the conflicting certificates and all other documents from the contested States, and all questions relating to the powers of Congress in the premises, with the authority to exercise the same powers in ascertaining the legal vote of each of such States. The bill further provided that the decisions of such tribunal in every case should stand, unless rejected *by the concurrent vote of both Houses*. Also that objections which might be made to any votes from States not presenting double certificates should be considered, not by the commission, but by the Houses separately, and *unless sustained by both* should be of no effect.

Mr. Tilden, with his clear insight and his splendid courage in battling against public wrongs, was strongly opposed to any extra constitutional procedure in determining the result. He assured his friends in Congress that, if properly resisted, the conspiracy must break down; that it must not be encouraged by the least symptom of concession, but fought inch by inch on the floors of Congress, until the real character of the proposed usurpation should become known throughout the country and the nation's opinion of it could reach Washington. It is clear that if the House had resolutely stood up for its constitutional rights, Mr. Tilden would have been seated in the presidential chair. A chal-

lenge of a single one of the contested States would have resulted in his election, either by the concurring vote of the two Houses, or, they failing to concur, in his election by the House of Representatives, to which the Constitution has confided the choice in such an emergency, and where the Democrats were in the majority, either in voting *per capita* or by States.

It has been asserted, and apparently with good reason, that Mr. Tilden was betrayed by envious rivals in Congress, in permitting the creation of any tribunal outside of that provided by the Constitution. It is certainly very plain that, if there was no treachery, there must have been inexcusable selfishness, weakness and cowardice by the Democrats in Congress when they surrendered their right to seat as President of the United States the man who had been rightfully elected to that office.

The work of this Electoral Commission was a striking instance of the inability of strong political partisans to decide a question against their own party, no matter what exalted political, or even judicial, positions they may hold at the time. In every contested question brought before this commission, the vote stood eight Republicans against seven Democrats. Those Democrats who had hoped the palpable justice of their cause would induce, would indeed compel the commission to a righteous judgment, saw too late their credulous folly.

The bearing of Mr. Tilden was, throughout, that of the patriot and statesman. The outrage perpetrated against him, and through him upon the majority of the American people, was indeed infamous, but it had been perpetrated under the forms of law, and he submitted as a law-abiding citizen. As an act of patriotic self-denial, it has no parallel in our history, and it stamps him as a true hero of the highest class—one who is willing to sacrifice himself that his country may have peace.

In 1877 Mr. Tilden visited Europe, spending some six months in Ireland, England and France.

It is a principle of human nature for a man to hate another whom he has injured, and this applies to political organizations as well. This principle was strikingly illustrated in the abuse, scurrilous and venomous, which continued to be heaped upon Mr. Tilden by those who had robbed him, to the day of his death. It might have been thought that



they would at least treat him with the respect and consideration due to one of the greatest and purest of American statesmen. The beneficiaries of the great fraud had also a lively apprehension of the retribution which would be likely to follow their unparalleled crime. They therefore kept up their frantic efforts to destroy Mr. Tilden's phenomenal popularity. The most important of their nefarious schemes was through the so-called "cipher dispatches." The Republican president of the Western Union Telegraph Company delivered to Republican partisans a lot of alleged copies of dispatches forwarded during the contest over canvassing the votes in the disputed States. The sum total of the pretended revelations amounted to the proposed sale of official certificates of election by the manipulators of the infamous Returning Boards of contested Southern States. These offers were in some cases coupled with threats that if Tilden did not purchase what was offered, sale would be made to the Republican managers. Tilden certainly did *not* purchase, and the electoral votes offered in the dispatches *were* given to Hayes. The matter was finally brought before a Congressional committee, and Mr. Tilden appeared before it, solemnly denying any knowledge of these cipher dispatches. And the American people never believed that he did have anything to do with them.

On the other hand, the Hayes campaign managers had kept the wires hot with telegrams during the same period, but the obliging Western Union Telegraph Company never turned them over, and the eager and urgent Republican examiners never called for them.

Another shameful attempt at misrepresenting the great statesman who had been so unspeakably wronged, was made under cover of an investigation as to whether he had made the prescribed returns of his income for taxation, while the income tax was in operation. This proved equally groundless and futile, and the suit brought by officials under the fraudulent Hayes administration to compel Mr. Tilden to pay large sums on the pretext that he had evaded the Income Tax Law was dismissed by the United States Circuit Court.

As the presidential campaign of 1880 approached it was the universal expectation and the ardent desire of all Democrats that Mr. Tilden should be renominated by the Democratic National Convention. No other Democratic candidate was seriously discussed, and his nomi-

not lost anything of his remarkable hold, either upon the Democratic Party or the American people, was continually made manifest to Mr. Tilden, and the desire for his renomination in 1884 looked as though it must prove irresistible. In New York many counties had instructed their delegates for him. Some of these were doubtless intended merely to prevent a spontaneous expression for Governor Cleveland, but the desire for Tilden was unquestionably genuine and universal. The State convention was to meet at Saratoga on the 18th of June, and early in that month Daniel Manning, at that time the chairman of the Democratic State Committee, visited him at Graystone to get an authorized statement from Mr. Tilden as to his wishes concerning a renomination. Mr. Tilden's letter in reply definitely declining a nomination was published on the 12th of June.

Governor Cleveland was nominated for President, and there was a partial reparation for the crime of 1876 made possible, by again placing the name of the Hon. Thomas A. Hendricks on the ticket as the nominee for Vice-President. Cleveland and Hendricks were also elected, as Tilden and Hendricks had been, eight years before. The vote in New York was very close, Cleveland's majority being only 1,149, and there was much excitement. The defeated Republicans, however, acquiesced this time, for the temper of the people was such that they would not have tolerated another fraud.

Before the excitement of 1884 began, Mr. Tilden had written a letter to a friend in Pennsylvania which clearly explains his idea of the events of 1876. Said he: "The cause which triumphed by the votes of the people in the great national contest of 1876, but which was foully lost in the count of those votes, was the cause of the sons of toil who, on their farms and in their workshops, expect no special advantages from the government, and only ask that the sunshine of its favors may fall equally upon all. These isolated atoms of human society are not easily combined, and not often truly represented; while the more selfish, active and intriguing classes are all the while wresting the government from its true functions, and making it a machine to enrich the few at the expense of the many, and then corrupting the administrative service, the legislation and the elections, in order to hold and enlarge their unjust advantages."

The Democratic National Convention of 1884 paid Mr. Tilden the unprecedented compliment of inserting in its declaration of principles the following personal tribute to Mr. Tilden :

"With profound regret we have been apprised by the venerable statesman, through whose person was struck that blow at the vital principle of republics, acquiescence in the will of the majority, that he cannot permit us again to place in his hands the leadership of the Democratic hosts for the reason that the achievement of reform in the administration of the Federal Government is an undertaking now too heavy for his age and failing strength. Rejoicing that his life has been prolonged until the general judgment of our fellow countrymen is united in the wish that that wrong were righted in his person, for the Democracy of the United States, we offer to him in his withdrawal from public cares not only our respectful sympathy and esteem, but also that best homage of freemen, the pledge of our devotion to the principles and the cause now inseparable in the history of this republic from the labors and the name of Samuel J. Tilden."

The National Convention also passed some resolutions, regretting the necessity which compelled him to decline a renomination. These resolutions were presented to Mr. Tilden by a committee appointed for that purpose, and in his reply, dated the 6th of October, he said :

"The Democratic Party had its origin in the efforts of the more advanced patriots of the Revolution to resist the perversion of our government from the ideal contemplated by the people. Among its conspicuous founders are Benjamin Franklin and Thomas Jefferson, Samuel Adams and John Hancock, of Massachusetts; George Clinton and Robert R. Livingston, of New York; and George Wythe and James Madison, of Virginia. From the election of Mr. Jefferson as President, in 1800, for sixty years the Democratic Party mainly directed our national policy. It extended the boundaries of the Republic, and laid the foundations of all our national greatness, while it preserved the limitations imposed by the Constitution and maintained a simple and pure system of domestic administration.

"On the other hand, the Republican Party has always been dominated by principles which favor legislation for the benefit of particular classes at the expense of the body of the people. It has become deeply

tainted with the abuses which naturally grow up during a long possession of unchecked power, especially in a period of civil war and false finance. The patriotic and virtuous elements in it are now unable to emancipate it from the sway of selfish interests which subordinate public duty to personal gain. The most hopeful of the best citizens it contains, despair of its amendment except through its temporary expulsion from power.

"It has been boastingly asserted by a modern Massachusetts statesman, struggling to reconcile himself and his followers to their presidential candidate, that the Republican Party contains a disproportionate share of the wealth, the culture, and the intelligence of the country. The unprincipled Grafton, when taunted by James the Second with his personal want of conscience, answered, *'That is true, but I belong to a party that has a great deal of conscience.'*

"Such reasoners forget that the same claim has been made in all ages and countries by the defenders of old wrongs against new reforms. It was alleged by the Tories of the American Revolution against the Patriots of that day. It was repeated against Jefferson and afterwards against Jackson. It is alleged by the Conservatives against those who, in England, are now endeavoring to enlarge the popular suffrage.

"All history shows that reforms in government must not be expected from those who sit serenely on the social mountain-tops, enjoying the benefits of the existing order of things. Even the Divine Author of our religion found his followers, not among the self-complacent Pharisees, but among the lowly-minded fishermen."

Mr. Tilden naturally took a great interest in the administration of President Cleveland, especially in relation to the government finances. He also urged the necessity of strengthening our seacoast defences, and wrote urgent letters, both to Secretary Manning, of the Treasury Department, and to Speaker Carlisle, of the House of Representatives.

In a letter to the Hon. Henry Watterson, dated March 26, 1885, Mr. Tilden says concerning official patronage: "I depended on ideas as a political force more liberally, and less on party machinery than anybody else has done. What is called patronage I never had to any appreciable extent, and yet I held my ascendancy with the Democratic masses of this State when I had to confront the adverse influence of the

executive, of the heads of departments, of the judiciary, and of the majority of both branches of the Legislature, and of one-third of the county leaders. I held also a majority of the voters of this State against at least twenty thousand office-holders. I carried on politics upon a plane which approached to the impracticable. I do not exact of anybody else to encounter the risks I ran, or to imitate so adventurous a policy. For there was no moment in which I was not willing to be consigned to private life. It seems to me sometimes remarkable to hear men called great leaders who, while swaying all the patronage of the country—Federal, State and local—failed to hold their own party, or to hold a majority of the people.”

In these last years of his life Mr. Tilden became greatly interested in the matter of strengthening our coast defences. With his usual prescience he foresaw the complications with which we are in constant danger of becoming involved with the great European powers, on account of the Spanish-American republics. The American people have always been substantially a unit in maintaining the well-known principle popularly called the Monroe Doctrine, and Mr. Tilden was assured that this would, sooner or later, make us clash with other nations. In order to arouse a livelier appreciation of the dangers to be reasonably apprehended from the enforcement of our announced purpose in regard to possible European encroachments in Spanish America, Mr. Tilden prepared a compact history of the origin of the Monroe Doctrine, and some of the responsibilities involved in maintaining it, to reinforce his plea for strengthening our sea-coast defences. The paper was entitled, “The Monroe Doctrine and Its Origin.” It is a very clear and succinct paper and worthy of careful remembrance and consideration by all those who are interested in the prosperity and perpetuity of our government and its institutions.

Mr. Tilden gives the following statement of the Monroe Doctrine and its origin:

“After the final fall of Napoleon and his second abdication, the Emperor Alexander I., of Russia, the Emperor Francis, of Austria, and King Frederick William III., of Prussia, formed a league. Alexander drew up the agreement, which was signed at Paris by these monarchs, September 26, 1815; and they christened the league the ‘Holy Alli-



ance.' Its professed purpose was to regulate the States of Christendom on principles of Christian amity. Its real aim was to maintain existing dynasties and to suppress all revolutionary or popular movements. To secure the co-operation of the people, some of these sovereigns, especially Frederick William III., had promised to give to their subjects a liberal charter, allowing them practical self-government. But all such promises were violated. To this alliance most of the European powers except the Holy See and England acceded.

"The Holy Alliance held frequent congresses, and its policy was to intervene with military force in the internal affairs of any country which should attempt to establish less despotic government. At its instance the revolutionary movements in Naples and in Piedmont were suppressed in 1821. At its instance, in 1823, France marched an army, nominally of 100,000 men, into Spain, and restored absolutism in that country. Alexander of Russia assured France of his support, offering to march an army to the Rhine.

"It was known that the Holy Alliance meditated enabling Spain to reconquer the States of South America and Mexico. It was arranged that the Holy Alliance should have a consultation on the subject. The policy was avowed to Mr. Canning by Prince Polignac, Ambassador of France to England, of ensuring, by concert between the European powers, the establishment of monarchical governments over the revolted colonies of Spain.

"Under Castlereagh England had refused to be a party to the engagements of the Holy Alliance. Under the lead of his successor as Secretary of State for Foreign Affairs, George Canning, she took a position of more pronounced dissent and opposition. She threw her moral weight in the scale of condemnation of the intervention of France in the domestic affairs of Spain.

"In the meantime the United States had recognized the independence of the revolted colonies of Spain. President Monroe, by his special message of March 8, 1822, recommended the measure. Congress, by an act approved May 4, 1822, made an appropriation to defray the expenses of such missions as the President might institute to the independent nations on the American continents.

"In 1823 Mr. Canning proposed to Mr. Rush, the American Min-

all. They must keep their international engagements in their own way, and take the consequences. Only, their territory shall not be appropriated by any European power.

This clear exposition of the Monroe Doctrine, the clearest ever given by any of our statesmen or publicists, was one of the last public utterances of Mr. Tilden. He, however, took great interest in the matters connected with the construction of the surface railway through Broadway, New York City, the most valuable street railway in the world, without legal authority, without the consent of the property-holders on Broadway, and without any adequate compensation to the city. He insisted strenuously that the charter should be repealed.

In these last days he also expressed his sympathy with the movement to secure Home Rule for Ireland, and he prepared a series of "Notes on the Canals." Mr. Tilden had probably mastered the canal question more thoroughly than any other man in the State, and those who are interested in these important waterways will do well to study these "Notes." He was firmly of the opinion that the days of large usefulness for the canals were past, and that large expenditures would inevitably lead to the formation of new canal rings, with their inevitable robberies, as the event proved in the enlargement scheme of 1897-8, in which more than nine millions of dollars were wasted and stolen. He summed up his views thus: "The Erie Canal still has a certain utility. It should be nursed along, but without any expectation of regaining the place it once occupied in the transportation of the country."

During the winter and spring of 1886 his strength failed rapidly. He could not write, on account of the nervous trouble with which he had so long been affected, and the same weakness prevented his being able to hold a book to read. This was a very great privation, as he had always been an industrious reader and his literary tastes had a wide range. And, still worse, his voice failed, so that he was practically cut off from conversing with his friends.

As would naturally be inferred from Mr. Tilden's munificent bequest for a great free library, he was a diligent reader, and a great lover of books. His own private library was one of the largest, and probably the most valuable, ever collected by any American for his own

use. While by no means a bibliomaniac, his taste for books was quite fastidious, and he freely indulged it as one of the greatest of his luxuries. His library contained some fifteen thousand volumes, many of them exceedingly rare and costly publications. His selections were such as he, himself, wished to read and enjoy at the time of purchase. He had no purpose of collecting a library that should be complete in all departments, nor indeed in any department of literature. His law library, however, which was designed for business, was as complete as knowledge, money and research could make it.

In the closing months of his life, when his physical powers had failed so as to render him almost as helpless as an infant, he found great enjoyment in these treasures of his library. When he could no longer hold a book himself, he had them read to him. One of these readers, who kept a careful list, found that in the last four years of his life she, herself, had read to him the contents of eight hundred volumes, in addition to magazines and newspapers. His other reader had also a very extensive list.

In the course of his researches he discovered the records of a meeting held in the town of his birth, June 24, 1776, which contains this entry: "The question being put, whether the said district chooses to have the united American colonies independent of Great Britain, voted unanimously in the affirmative." This, it will be noted, was several days before the Declaration of Independence, and shows the patriotism of the environment in which, some two-score years later, one of the greatest American patriots was born.

On the 19th of July he wrote a reply to an invitation to attend the two hundredth anniversary of the granting of a charter to the city of Albany. On the 4th of August his great spirit took its flight.

Mr. Tilden had so long been an invalid that it was generally recognized that the end of his days upon the earth was fast approaching, yet the intelligence that he was dead came as a great shock to the country. Even his physicians, two of whom were at his bedside, were startled when the end came. All the public and private honors possible were paid to the memory of this illustrious citizen. John G. Whittier, the poet, paid him a noble tribute in verse. We reproduce the first and third stanzas:

"Once more, O all-adjusting Death,
 The nation's Pantheon opens wide;
 Once more a common sorrow saith,
 'A strong, wise man has died.'

* * * * *

"Ambitious, cautious, yet the man
 To strike down fraud with resolute hand;
 A patriot, if a partisan,
 He loved his native land!"

Mr. Tilden's surviving next of kin consisted of his sister, Mrs. Mary B. Pelton, and the two sons and four daughters of his brother Henry. His estate, consisting chiefly of personal property, was appraised by experts at something more than five million dollars. After providing a number of generous legacies and bequests for special purposes, the residue of the estate, amounting to about \$4,000,000, was left to the founding and maintenance of a free library and reading room in the city of New York.

His two nephews brought suit to break the will, and extensive litigation ensued. It was finally compromised, and the increase of the value of the estate brought up the amount available for the library pretty nearly to the sum Mr. Tilden intended to provide for this great public use. This sum was afterwards, by the trustees, consolidated with the bequests of John Jacob Astor, William B. Astor and James Lenox, and the building erected for the combined library, on the site of the old Croton Reservoir, in the heart of New York City, is far and away the most magnificent structure ever erected by private munificence in the history of the world.

Samuel Jones Tilden was not only a great man, he ranks among the greatest of men. He had a feeble body, but a robust mind and a heroic soul. In sheer intellectual force he was a marvel. He was a ripe scholar, a masterly lawyer, a king among politicians, a wise statesman, a peerless financier, an accomplished publicist, a courageous, true and loyal friend, a generous giver, and a gentle, gracious Christian man, a splendid example of the highest type of the race. Such men as Samuel Jones Tilden are the glory of their country.

END OF VOLUME I.

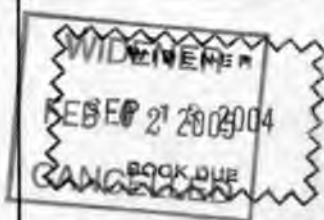




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